

No. 48430-7-II

THE COURT OF APPEALS FOR THE STATE OF WASHINGTON
DIVISION TWO

In re Personal Restraint of:

FORREST E. AMOS,

Petitioner.

Response to Personal Restraint Petition

JONATHAN L. MEYER
Lewis County Prosecuting Attorney



By:

SARA I. BEIGH, WSBA No. 35564
Senior Deputy Prosecuting Attorney

Lewis County Prosecutor's Office
345 W. Main Street, 2nd Floor
Chehalis, WA 98532-1900
(360) 740-1240

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I. AUTHORITY FOR PETITIONER'S RESTRAINT

The State of Washington is the Respondent in this matter. Petitioner, Forrest E. Amos, is restrained by authority of the judgment and sentence of the Lewis County Superior Court under cause number 13-1-00818-6. A copy of the judgment and sentence is attached to this petition as Appendix A.

II. RESPONSE TO PETITIONER'S CLAIMED GROUNDS FOR RELIEF

- A. Petitioner is time barred from collaterally attacking his judgment and sentence.
- B. This petition is mixed and therefore should be dismissed.
- C. Petitioner waived his right to collaterally attack his judgment and sentence as part of his plea agreement.
- D. The State did not interfere with Petitioner's right to counsel.
- E. Petitioner's sentence is legal and not excessive.
- F. The State did not breach the Petitioner's plea agreement.
- G. Petitioner's claim in regards to the trial court refusing to sign his order of indigency is moot.
- H. Petitioner received effective assistance from his court appointed attorney

III. STATEMENT OF THE CASE

On December 3, 2013 the State filed a 16 count Information charging Amos with Count I – Leading Organized Crime, Count II –

Tampering with a Witness, Count III – Computer Trespass in the First Degree, Count IV – Possession of Marijuana with the Intent to Deliver, Count V: Attempted Possession of Marijuana with the Intent to Deliver, Count VI – Attempted Forgery, Count VII – Possession of a Controlled Substance with the Intent to Manufacture or Deliver, Count VIII – Delivery of a Controlled Substance, Count IX – Identity Theft in the Second Degree, Count X – Introducing Contraband in the Third Degree, Count XI – Attempted Theft in the Second Degree, Count XII – Possession of a Controlled Substance with the Intent to Manufacture or Deliver, Counts XIII and XIV – Delivery of a Controlled Substance, Count XV Possession of a Controlled Substance with the Intent to Manufacture or Deliver, and Count XVI – Delivery of a Controlled Substance. Appendix B.

The substantive facts underlying the original charging information are complicated, but the State believes it is important for this Court to understand the facts the State alleged prior to Amos pleading guilty in this case, they can be found in the entirety in Appendix C, the probable cause statement.¹

¹ The facts underlying this case are incredibly lengthy. The State will discuss them in its argument where relevant, but strongly encourages this Court to read the probable

Amos pled guilty on July 31, 2014. Appendix E, I. Amos, as part of his plea agreement, which reduced his charges, eliminating the Leading Organized Crime count which was a third strike, agreed to waive his right to appeal and his right to collateral attack. Appendix G. Amos was sentenced on August 20, 2014. Appendix A, J. The State later attempted to amend the Judgment and Sentence after receiving an email from Department of Corrections. Appendix P, Q. The order amending was entered on October 31, 2014. Appendix Q. Amos objected to the amendment, requested it be stricken and requested resentencing within what he believed was a statutory authorized sentence. Appendix R, pages 6-8. At the hearing the State said it was fine with vacating the Amended Judgment and Sentence but cautioned Amos to be careful what he asked the court for because he could be in violation of his plea agreement, which could open him back up to facing the strike offense. *Id.* at 10. The trial court vacated the Amended Judgment and Sentence, reinstating the original Judgment and Sentence that was entered back on August 20, 2014. Appendix R, page 12; Appendix A, DD.

cause statement in its entirety to have a full understanding of the complexity of the State's evidence and allegations against Amos.

Amos's petition and brief were filed January 11, 2015. The State will further supplement the facts and record as necessary in its argument below.²

IV. ARGUMENT

A. AMOS IS TIME BARRED FROM COLLATERALLY ATTACKING HIS JUDGMENT AND SENTENCE.

A defendant may collaterally attack his or her judgment and sentence by filing a motion or petition up to one year after the judgment and sentence is final. RCW 10.73.090(1). A judgment is final when it is filed with the clerk of the trial court. RCW 10.73.090(3). A judgment and sentence may be collaterally attacked after the one year time limit expires only for the following grounds:

- (1) Newly discovered evidence, if the defendant acted with reasonable diligence in discovering the evidence and filing the petition or motion;
- (2) The statute that the defendant was convicted of violating was unconstitutional on its face or as applied to the defendant's conduct;
- (3) The conviction was barred by double jeopardy under Amendment V of the United States Constitution or Article I, section 9 of the state Constitution;

² The State has restructured the argument, adding sections for procedural bars and an additional separate section for Amos' claim of ineffective assistance of counsel, to fully address all the issues the State has identified in Amos' petition.

(4) The defendant pled not guilty and the evidence introduced at trial was insufficient to support the conviction;

(5) The sentence imposed was in excess of the court's jurisdiction; or

(6) There has been a significant change in the law, whether substantive or procedural, which is material to the conviction, sentence, or other order entered in a criminal or civil proceeding instituted by the state or local government, and either the legislature has expressly provided that the change in the law is to be applied retroactively, or a court, in interpreting a change in the law that lacks express legislative intent regarding retroactive application, determines that sufficient reasons exist to require retroactive application of the changed legal standard.

RCW 10.73.100. A petitioner who seeks review beyond the one year statute of limitations has the burden of showing that one of the exceptions of RCW 10.73.100 applies or the judgment is invalid on its face. *In re Fuamaila*, 131 Wn. App. 908, 918, 1313 P.3d 318 (2006), *citing In re Turay*, 150 Wn.2d 71, 82, 74 P.3d 1194 (2003).

There was no appeal of Amos' judgment and sentence entered on August 20, 2014, and while it was amended on October 31, 2014, that amendment was vacated, reinstating the original Judgment and Sentence; therefore Amos' judgment and sentence became final the day it was handed down, August 20, 2014. Appendix A, DD. The one year time period to file a collateral attack ran on August 20, 2015. RCW 10.73.090. Amos has not stated a

ground for relief that is exempt from the one-year time limit on collateral attacks nor has he shown that his sentence is facially invalid.³ Amos does not argue to this Court that his petition meets any of the exceptions of the one year time limit for collateral attacks on his Judgment and Sentence. See RCW 10.73.100. This court should therefore dismiss Amos' petition as time barred.

B. AMOS' PETITION IS MIXED AND THEREFORE THIS COURT SHOULD DISMISS THE PETITION.

If this Court finds that one of the issues raised by Amos' petition does meet one of the exceptions of RCW 10.73.100, his petition is at best mixed and should be dismissed. If a personal restraint petition is filed more than one year after the time period set forth in RCW 10.73.100 expires and the petition claims multiple grounds for relief, if the court determines that one of the grounds raised is time barred, the petition is considered a mixed petition and must be dismissed. *In re Hankerson*, 149 Wn.2d 695, 702, 72 P.3d 703 (2003).

If this Court finds that his Judgment and Sentence is facially invalid due to the gross misdemeanors being sentenced as part of his entire sentence, and not parceled out as a separate county jail

³ The State will present an argument below as to why Amos' claim for facially invalidity fails.

sentence, then only that issue would meet the requirements of an issue that can be raised beyond the one year time limit. RCW 10.73.100; *In re Fuamaila*, 131 Wn. App. at 918. The remaining issues regarding the State's alleged violation of Amos' attorney client privilege, the State's alleged breach of the plea agreement, the ineffective assistance of counsel claim, and the claim that the trial court improperly did not consider Amos' order for indigency are time barred. If this Court accepts that the first ground, as stated above is not time barred, then this petition is mixed and should be dismissed.

C. AMOS WAIVED HIS RIGHT TO FILE A PERSONAL RESTRAINT PETITION AS PART OF HIS PLEA AGREEMENT WITH THE STATE.

Amos validly waived his right to file this petition as part of his plea bargain. This petition should be dismissed.

Washington courts allow defendants in a criminal action to waive a number of rights they possess, including their right to remain silent, right to be present at trial, and right to a jury trial.⁴ *In re Breedlove*, 138 Wn.2d 298, 308, 979 P.2d 417 (1999). "Agreements to forgo seeking an exceptional sentence, to decline prosecuting all offenses, to pay restitution on uncharged crimes,

⁴ This is by no means an exclusive list.

and to waive the right to appeal are all permissible components of valid plea agreements.” *State v. Lee*, 132 Wn.2d 498, 506, 939 P.2d 1223 (1997). Washington recognizes there is a strong public interest in enforcing the terms of knowing and voluntary plea agreements. *State v. Perkins*, 108 Wn.2d 212, 216, 737 P.2d 250 (1987).

Amos, in consideration for the State agreeing to reduce the charges against him and remove Count I – Leading Organized Crime, which would be a most serious offense and his third strike, and removal of Count IX – Delivery of Oxycodone, agreed to waive his right to withdraw his guilty plea, appeal his sentence, and collaterally attack his judgment and sentence. Appendix D, E, F, G, H. This agreement removed the possibility that Amos would serve life in prison as a persistent offender under the Persistent Offender Accountability Act (POAA). See RCW 9.94A.570; Appendix D, F, G.

Amos’ attorney went over the plea forms and the consequences regarding the waiver of the right to appeal and collateral attack with Amos prior to the plea hearing. Appendix E, I at 4, 18. Mr. Blair and Amos went over the stipulation and signed the form. Appendix G, J pages 2-3. The trial judge found Amos’ to be competent to knowingly and intelligently, freely and voluntarily

enter his pleas of guilty. Appendix. I at 19. The trial judge stated that Amos entered the pleas “on the advice of counsel with full knowledge of the consequences and awareness of rights.” *Id.*

Amos made a knowing and voluntary waiver of his right to appeal his plea and collaterally attack his judgment and sentence as part of his plea agreement with the State. Amos received a benefit of elimination of a third strike, which would have put Amos in prison for the rest of his life without the possibility of release. Without this agreement, if the State prevailed, Amos would die in prison. This agreement and waiver serves as a bar to Amos’ personal restraint petition and this court should uphold Amos’ waiver and agreement with the State and dismiss this personal restraint petition.⁵

D. THE STATE DID NOT INTERFERE WITH AMOS’ RIGHT TO COUNSEL.

Amos alleges the deputy prosecutor, Will Halstead, directed Officer Haggerty to seize his legal mail, that the deputy prosecutor became privy to the information contained within the protected and confidential communications between Amos and his attorney and

⁵ The State maintains its argument that Amos has waived his right to file this petition and makes the following arguments in the alternative. The State also acknowledges that case law supports that a waiver of collateral attack does not bar an ineffective assistance of counsel claim. *See, e.g., Hurlow v. United States*, 726 F.3d 958 (7th Cir. 2013).

thereby interfering with his right to counsel as guaranteed by the United States and Washington State Constitution. Amos provides no evidence to support his claims. No one at the Lewis County Prosecuting Attorney's Office (LCPAO) in particular, Deputy Prosecuting Attorney (DPA) Halstead, directed anyone to read, seize, or otherwise interfere with Amos' communication with his attorney by taking his legal mail from his jail cell at the Lewis County Jail. This claim is baseless and this Court should dismiss the petition.

1. Standard of Review.

Appellate courts are reluctant to disturb convictions when a party has already had an opportunity to have their case reviewed on direct appeal. *In re Pers. Restraint of Cross*, 180 Wn.2d 664, 671, 327 P.3d 660 (2014). "Accordingly, a personal restraint petitioner must first establish by preponderance of the evidence that a constitutional error has resulted in actual and substantial prejudice." *Cross*, 180 Wn.2d at 671 (internal citations omitted). If the alleged error is not of constitutional magnitude then the petitioner must show the court that there is "a fundamental defect resulting in a complete miscarriage of justice." *Id.*, citing *In re Pers. Restraint of Elmore*, 162 Wn.2d 236, 251, 172 P.3d 335 (2007).

2. Amos Bears The Burden Of Showing Prejudicial Error Throughout This Personal Restraint Petition.

In a personal restraint petition, petitioner bears the burden of showing prejudicial error. *In re Gronquist*, 138 Wn.2d 388, 396, 978 P.2d 1083 (1990); *State v. Brune*, 45 Wn. App. 354, 363, 725 P.2d 454 (1986); *In re Monschke*, 160 Wn. App. 479, 489, 251 P.3d 884 (2010). Bare allegations unsupported to citation to authority, references to the record, or persuasive reasoning cannot sustain this burden of proof. *Brune*, 45 Wn. App. at 363. The petitioner must support the petition with the facts upon which the claim of unlawful restraint rests, and he may not rely solely on conclusory allegations. *In re Personal Restraint of Cook*, 114 Wn.2d 802, 813-14, 792 P.2d 506 (1990); *Monschke*, supra, 160 Wn. App. at 488; RAP 16.7(a)(2)(i). When the allegations are based on matters outside the existing record, the petitioner must demonstrate that he has competent, admissible evidence to establish the facts that entitle him to relief. *Monschke* at 488; *In re Pers. Restraint of Rice*, 118 Wn.2d 876, 886, 828 P.2d 1086 (1992). If the petitioner fails to make this threshold showing then he cannot bear his burden of showing prejudicial error. *Monschke*, supra, at 489.

Throughout his petition Amos fails to meet his burden, and this Court should dismiss the petition due to Amos' failure to show prejudicial error.

3. The State Shall Not Interfere With A Defendant's Right To Counsel.

A criminal defendant's right to counsel in a criminal prosecution is a constitutionally protected right, and denial of that right is denial of due process. U.S. Const. amend V; U.S. Const. amend VI; U.S. Const. amend XIV; Const. art. I § 3; Const. art. I § 22; *State Cory*, 62 Wn.2d 371, 373, 382 P.2d 1019 (1963). A critical, and statutorily protected, portion of the right is that communication between a defendant and his attorney is privileged. RCW 5.60.060(2)(a). Therefore, no attorney may, "without consent of his client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment." *Id.*

The necessity for a defendant to have confidence that their communications with their attorney are confidential has been recognized by the Washington State Supreme Court since the 1960s.

It is also obvious that an attorney cannot make a full and complete investigation of both the facts and the law unless he has the full and complete confidence of

his client, and such confidence cannot exist if the client cannot have the assurance that his disclosures to his counsel are strictly confidential.

Cory, 62 Wn.2d at 374 (internal quotations omitted). It has been recognized that the appropriate remedy for when the prosecution gains privileged information, thereby interfering with the defendant's right to private consultation with their attorney, is a dismissal. *Id.* at 377-78. In *Cory* the sheriff installed a microphone in the conference room where in custody defendants met with their attorneys. *Id.* at 372. The sheriff not only listened to the conversations but also recorded them. *Id.* The Supreme Court determined this conduct denied *Cory* of his right to counsel as protected by the constitution and RCW 5.60.060(2). *Id.* at 377. The Court stated,

It is our conclusion that the defendant is correct when he says that the shocking and unpardonable conduct of the sheriff's officers, in eavesdropping upon the private consultations between the defendant and his attorney, thus depriving him of his right to effective counsel, vitiates the whole proceeding. The judgment and sentence must be set aside and the charges dismissed.

Id. at 378. A defendant's right to counsel and their privileged communication cannot be interfered upon by the State.

4. State Denies Several Of Amos' Factual Allegations In Regards To His Claim That The State Interfered With His Right To Counsel.

Amos makes several claims in his factual portion titled "The Intrusion" which the State denies and Amos provides no factual basis for these claims. The State denies the following baseless allegations:

Upon being booked into the Lewis County Jail, Detective Adam Haggerty #328 ordered the jail to photocopy all of Mr. Amos' incoming and outgoing mail and forward it to him and DPA Halstead. Mr. Haggerty omitted this material fact in his search warrant affidavit. This constitutes fraud and malfeasance [sic].

The jail assigned this task to officer Jack Haskins who complied with the order and processed all of Mr. Amos' mail including "Legal mail" on a daily basis.

Petition 9. Amos offers no support for any of these allegations and the State denies that it was confiscating and reading Amos' "legal mail." Officer Haggerty made it clear that he became aware that Amos was using the designation of "legal mail" to get past the Lewis County Jail's surveillance of his ingoing and outgoing mail in his affidavit for his search warrant. Appendix K. It was through monitoring Amos' activities, learning he was using other inmates to make calls on his behalf and that Amos was directing people to send him correspondence via "legal mail." Appendix K at 3. Further,

Officer Haggerty explained that on April 15, 2014 he was contacted by a Confidential Source (CS) regarding Amos. CS contacted Officer Haggerty again on April 22, 2014 and advised Officer Haggerty that Sylvia Pittman had a "hit list" from Amos that was sent out of the jail by Amos using the designation "legal mail." *Id.* at 5.

While in Mr. Amos' jail cell, both Mr. Haggerty and Mr. Withrow read threw [sic] all of Mr. Amos' privileged communications and other legal materials.

Petition at 11. Amos does not even provide his own sworn affidavit attesting to these facts. Officer Haggerty collected the material from Amos' jail cell and did not read a single item, with the exception of noting which papers clearly were in regards to DOC matters.

Appendix L, N.

Instead of securing the seized privileged communications and legal materials into the evidence locker at the Centralia Police Department, Mr. Haggerty chose to take them straight to DPA Halstead's office to share what he seized from Mr. Amos' jail cell. This was confirmed by PA Eric Esienburg on court record.

Petition at 12. Officer Haggerty took the materials directly to the Centralia Police Department, where the plastic bag was placed inside a cardboard box and sealed with evidence tape until the in

camera review was conducted by Judge Hunt. Appendix L. DPA Halstead never saw the materials. Appendix L, M, N.

5. There Was No Interference With Amos' Right To Counsel, As No One From The State Read Or Retained Any Privileged Communications Between Amos And His Counsel.

Amos was not denied his right to counsel. The Lewis County Prosecutor's Office did not direct the Centralia Police Department at any time to seize or read Amos' "legal mail." DPA Halstead never saw or possessed any privileged communications between Amos and his attorney. Further, Officer Haggerty, while possessing the privileged communications as part of a lawfully obtained search warrant, did not view them. Amos' entire claim is without merit.

Amos was in the Lewis County Jail being held on charges, including Leading Organized Crime. Appendix B, D. This allegation stems from Amos' setting up an elaborate drug operation while still incarcerated in prison. Appendix C, K. Amos was known to use the telephone system and mail system to communicate with people on the outside to further his criminal enterprise. *Id.* While in the Lewis County Jail it was alleged he continued with this practice and also began tampering with witnesses. Appendix K. This included information from CS that Amos sent a "hit list" out using "legal mail." *Id.* The hit list was recovered. *Id.* Officers also had other information

that Amos was instructing people to use “legal mail” to get past the monitoring methods used at the Lewis County Jail. *Id.* Officer Haggerty procured a search warrant for Amos’ jail cell to gather up evidence regarding witness tampering and intimidating a witness and this included documents marked as “legal mail.” Appendix L, N, O. DPA Halstead did not direct Officer Haggerty to obtain the search warrant. Appendix L, N.

Officer Haggerty executed the search warrant on June 18, 2014. Appendix L, N. According to Officer Haggerty’s report, which was written contemporaneously and submitted on June 19, 2014,

Amos’s main concern was that I would be seizing documents for his civil lawsuit against the Washington State Department of Corrections. I assured Amos that I would not take anything that was obviously related to that case.

Appendix N. Therefore, when Officer Haggerty entered the cell, he filtered through paperwork looking at the heading and contents to identify if it was DOC lawsuit, but he did not read paperwork that was clearly not in regards to the DOC matter. Appendix L, N. Officer Haggerty collected everything, put it into a trash bag, knotted the top of the bag and took the bag over to the Centralia evidence facility where it was placed into a box and sealed with

evidence tape. *Id.* Officer Haggerty wrote in his supplemental police report,

The contents were not examined by myself or any other law enforcement as my intent is to have a Superior Court Judge do so first “In Camera” to protect any documents that may conflict with attorney/client privileges.

Appendix N. Officer Haggerty reaffirms this statement in his affidavit. Appendix L. Officer Haggerty took the contents of the box to Lewis County Superior Court Judge Nelson Hunt for an *in camera* review of the documents. *Id.* Judge Hunt looked over each document, without Officer Haggerty seeing the contents of the documents, before deciding which documents Officer Haggerty would be able to retain for evidence. *Id.* Judge Hunt pulled aside a few documents, which Officer Haggerty was not allowed to have. *Id.* Officer Haggerty presumed these documents contained privileged communications. *Id.* Officer Haggerty also assumed Judge Hunt turned over these materials to Amos’ attorney. *Id.* DPA Halstead never saw any privileged communications that may have been confiscated as a result of the search warrant. Appendix M.

Amos compares his case to *Cory*, 62 Wn.2d 371 and *State v. Perrow*, 156 Wn. App. 322, 231 P.3d 853 (2010). Amos’ case is distinguishable from both cases. In *Cory* the sheriff installed

listening devices in the conference room and listened in and taped privileged communications between defendants and their attorneys. *Cory*, 62 Wn.2d at 372. In *Perrow*, the detective executed a valid search warrant on the defendant's home for a sex crime. *Perrow*, 156 Wn. App. at 326. The detective seized materials that had been prepared by the defendant at the request of the defendant's attorney in a civil matter related to the criminal investigation. *Id.* at 325-26. The detective was notified when he seized the materials that they were protected by attorney-client privilege. *Id.* at 326. The detective went through all the material, read them, wrote a report in regard to all the seized documents and forwarded the report to the prosecutor's office. *Id.* The Court of Appeals found the detective's behavior an egregious violation of the attorney-client privilege and dismissal the only adequate remedy. *Id.* at 331.

In this matter the officer never read any of the privileged communications that were seized. The action of seizing material marked "legal mail" had adequate justification, as Amos was using this designation to get mail past monitoring systems and threaten and tamper with witnesses. The officer had probable cause, got a search warrant, without speaking to the DPA assigned to the case, executed the search warrant, bagged up the evidence, sealed it in

a box without reading the contents, and then had a judge do an *in camera* review of each item before reading the information contained within the writings collected from Amos' cell. The judge took out several documents that the officer never saw and released the rest. This was the proper way for the officer to handle such a situation and to ensure he did not view privileged communications between Amos and his attorney. Further, DPA Halstead, the deputy prosecutor who handled Amos' case never saw any privileged documents nor was he made aware of the contents of any privileged communications between Amos and his attorney. Amos' claim is baseless and this Court should dismiss his petition.

**E. THE TRIAL COURT'S SENTENCE OF 144 MONTHS IS A
LAWFUL SENTENCE.**

Amos claims the trial court erred when it refused to correct his "void judgment and sentence in excess of statutory authority." Petition 14. Amos claims this violated his constitutional due process rights, in part because his sentence was amended without him being present and in part because he is sentenced to serve 24 months consecutive on two gross misdemeanors at the Department of Corrections. This statement is simply untrue. The trial court corrected the issue, albeit not in the manner in which Amos wished

the trial court to correct his sentence. The judgment and sentence is valid, lawful, and accurate.

1. Standard Of Review.

Matters of law are reviewed de novo. *State v. Law*, 154 Wn.2d 85, 93, 110 P.3d 717 (2005). Alleged constitutional errors are also reviewed de novo. *State v. Lynch*, 178 Wn.2d 487, 491, 309 P.3d 482, (2013).

2. Amos Is Serving A Lawful Sentence, As *State v. Besio* Is Incorrect As To Gross Misdemeanors That Are Served Consecutive To Felony Convictions Terms Of More Than One Year.

Amos claims his sentence is not lawful, therefore void, which would get him past the one year time bar, because he was sentenced to serve a term of 364 days on two gross misdemeanors, for a total of two years (minus two days) consecutive to his felony convictions, in the Department of Corrections (DOC). Petition 14-15. Amos cites to RCW 9.92.020 and *State v. Besio*, 80 Wn. App. 426, 907 P.2d 1220 (1995). The State's position is that *Besio* is incorrect and wrongly decided when it comes to consecutive misdemeanor terms as part of a judgment and sentence that includes felony convictions of more than a year and a day. Therefore, Amos' sentence is lawful pursuant to RCW 9.94A.190(1).

A sentence within the standard range is generally not appealable. RCW 9.94A.585(1). A defendant may not challenge the length of his or her sentence if the trial court sentenced the defendant within the standard range set by the legislature. *State v. McGill*, 112 Wn. App. 95, 99, 47 P.3d 173 (2002). When the trial court imposes an unlawful sentence that is a fundamental defect in a sentence, which would be grounds for relief. *In re Pers. Restraint of Wheeler*, 188 Wn. App. 613, 617, 354 P.3d 950 (2015). “A judgment is invalid on its face under RCW 10.73.090(1) where the trial court exceeded its statutory authority in entering the judgment or sentence.” *In re Wheeler*, 188 Wn. App. at 617.

Amos argues his sentence is unlawful because the trial court sentenced him to serve his gross misdemeanors consecutive to his felony convictions in DOC. Petition 14-15; Appendix A, page 6-7. Amos contends this is in violation of RCW 9.92.020 and therefore the trial court exceeded its statutory authority, which is supported by holding in *Besio*. Petition 14-15. In *Besio*, the defendant was sentenced to 140 months, 89 months and 41 months on his felony convictions and then ran his time, 12 months, for his gross misdemeanor conviction for theft in the third degree consecutive to the felonies. *Besio*, 80 Wn. App. at 429. The Court of Appeals held

that under the prior case law, “where the law provides a place of imprisonment, the court cannot direct a different place, and if it does so the sentence is void.” *Id.* at 429-30, *citing State v. Linnemeyer*, 54 Wn. App, 767, 770, 776 P.2d 151 (1989) (quoting *State v. Christopher*, 20 Wn. App. 755, 763 583 P.2d 638 (1987)). The Court reasoned that under RCW 9.92.020 it states, “every person convicted of a gross misdemeanor . . . shall be punished by imprisonment in the county jail for a maximum term . . . of not more than one year.” *Id.* at 429, citing RCW 9.92.020.

While the State agrees that *Besio* states that gross misdemeanors should be served in the county jail, it is the State’s position that *Besio* ignores RCW 9.94A.190, the principles of the Sentencing Reform Act, and is incorrect and harmful and should not be followed by this Court because when a person is convicted of a felony and sentenced to a term of confinement for over one year the entire term of confinement, including misdemeanors that run consecutively, should be served in DOC.

The doctrine of stare decisis precludes the alteration of precedent without a clear showing that the established rule is harmful and incorrect. *In re Stranger Creek*, 77 Wn.2d 649, 653, 466 P.3d 508 (1970). The policy behind stare decisis is to promote

stability in court made law. *Stranger Creek*, 77 Wn.2d at 653. It does not preclude this Court from consideration of arguments to the contrary, however, as it does not require this Court to continue to uphold a law in perpetuity that is incorrect and harmful. *Id.* The rule of law is a fluid thing, and must change when reason requires it to do so. *Id.*

When one looks at the history of where the courts held that a person must serve their gross misdemeanor sentence in the county jail, as set forth in RCW 9.92.020, you must go back to 1942 and *State v. Dooly*, 14 Wn.2d 459, 128 P.2d 486 (1942). This is where *Christopher*, which is cited by *Linnemeyer*, which is cited by *Besio* all pull the concept from that a person must serve their gross misdemeanor sentence in the county jail because according to *Dooly* a sentence directing a person to serve a gross misdemeanor sentence in the penitentiary are void. *Dooly*, 14 Wn.2d at 464-66. The facts in *Dooly* are quite egregious. Dooly was arrested for petit larceny by check, a gross misdemeanor, he pled guilty and no time was imposed. *Id.* at 460. Dooly then was charged with being a habitual criminal and he plead guilty, but the court did not impose a sentence. *Id.* at 460-61. Then the State moved for judgment and sentence on the petit larceny charge and the court obliged,

sentencing Dooly to a period of not more than 20 years of hard labor at the Walla Walla Penitentiary. *Id.* at 461. The court absolutely had a problem with a person, convicted of a gross misdemeanor, being sentenced to prison for 20 years, as it should. This shocks the conscience. Further, as Dooly was only convicted of a crime that carried a sentence of a term of a year or less for a gross misdemeanor sentence, there was a statute that stated he should serve such a sentence in the county jail, and any sentence to the contrary was void. *Id.* at 464.

A person serving time in the penitentiary for a single gross misdemeanor count is a vastly different set of circumstances from a felony offender who is sentenced to a term in DOC for felony conviction(s) and has gross misdemeanor convictions that run consecutive to felony count(s). The felony offender is not being sent to a penitentiary on a gross misdemeanor sentence, but a felony sentence with additional time incurred by a gross misdemeanor. We should not be parceling out sentences by count, if a person is properly sentenced to DOC under RCW 9.94A.190(1), their entire sentence, including any gross misdemeanor that may run consecutively should be served at DOC. This is consistent with the principles and purpose of the SRA.

When looking to the purposes of the SRA, we look to RCW

9.94A.010, which states:

The purpose of this chapter is to make the criminal justice system accountable to the public by developing a system for the sentencing of felony offenders which structures, but does not eliminate, discretionary decisions affecting sentences, and to:

- (1) Ensure that the punishment for a criminal offense is proportionate to the seriousness of the offense and the offender's criminal history;
- (2) Promote respect for the law by providing punishment which is just;
- (3) Be commensurate with the punishment imposed on others committing similar offenses;
- (4) Protect the public;
- (5) Offer the offender an opportunity to improve himself or herself;
- (6) Make frugal use of the state's and local governments' resources; and
- (7) Reduce the risk of reoffending by offenders in the community.

In regards to (1), the person is being sentenced appropriately, if the gross misdemeanors are running consecutively it is likely because there has been some type of aggravating factor found. It promotes respect for the law for an offender to serve their entire sentence in prison, where they will be housed with others who have committed

similar offenses, which takes into account (2) and (3). The public is protected. Where the most impact for an offender serving their entire sentence in DOC is seen is under the enumerated principles (5), (6) and (7). The programs available for an offender to educate, work, better themselves (including substance abuse and counseling), and prepare for re-entry into society are vastly superior in DOC as compared to county jail. Appendix S, T, U, V, W, X, Y, Z, AA.

In DOC an inmate has the opportunity to participate in meaningful substance abuse programs if they meet the qualifications, which requires them to be within the last 12 months of the Earned Release Date (ERD) and have community supervision requirements. Appendix S. A person who is required to return to county jail to serve a gross misdemeanor sentence would never meet these requirements. In comparison, the Lewis County Jail does not have a substance abuse treatment program, rather, it has a counselor that meets with offenders and sets them up with services for when the offender is released from jail. Appendix AA.

In DOC an inmate can participate in Parent-Teacher Conferences. Appendix T. This promotes the family unit and aids not only the offender but the child in healthy development. *Id.* There are numerous Personal Improvement Programs, such as Moral Reconation Therapy, Relapse Education Programs, Stress and Anger Management, Job Hunter, Partners in Parenting, Long Distance Dads, Nurturing Fathers, and Getting It Right, all which are available to inmates at DOC. Appendix U. “The goal is to reduce the inmate’s risk to the community upon release and provide assistance to encourage a positive transition back into the community.” Appendix U. There are no such programs at the Lewis County Jail. Appendix AA.

In DOC an offender has educational opportunities that are not available at the Lewis County Jail. Appendix V, AA. These programs also assist inmates with an opportunity to improve themselves, reduce the risk that they will reoffend, which makes frugal use of the State’s resources because we will spend less in the long term for prosecution, defense and housing of the inmate. Appendix V.

There are work assignments at DOC, which allow a person to contribute to their cost of incarceration, provide training opportunities for inmates to learn a trade, and work experience. Appendix X. These types of programs are not available in a limited county jail where the average stay is nine days. Appendix AA. Further, a person who is required to return to county jail will not be eligible for DOCs work release program. Appendix Y. The benefits of the work release program cannot be understated, it gives a structured environment for an offender to practice the skills they will need to be successful when they are fully released from custody. *Id.* In contrast, the Lewis County Jail only offers work release to low risk offenders, who qualify, and has a very limited number of slots available. Appendix AA. It is undeniable that DOCs work release system is far superior to the one found at the Lewis County Jail. Appendix Y.

It is clear from the above that a sentence to DOC for the entire term of years further the principles and purpose of the SRA. RCW 9.94A.010. Further, under RCW 9.94.190(1) it is appropriate, when a person is sentenced to a term of over a year on a felony conviction that person shall serve the

sentence in a facility or institution run by the State (DOC). Therefore, the holding in *Besio*, is incorrect and harmful as it pertains to offenders who have been sentenced to gross misdemeanors that run consecutively to felony convictions that are properly served in DOC confinement pursuant to RCW 9.94A.190(1).

Amos' sentence of 144 months in DOC is a lawful sentence for the reasons argued above. The gross misdemeanors should be served in DOC as they run consecutive to felony convictions that are to be served in the department of corrections and the sentence should be viewed in its entirety and not parceled out count by count. Amos' petition should be dismissed and his sentence upheld.

F. THE DEPUTY PROSECUTING ATTORNEY DID NOT BREACH THE PLEA AGREEMENT AND AMOS CANNOT MEET HIS BURDEN TO SHOW ANY PREJUDICE.

Amos alleges the Deputy Prosecuting Attorney breached Amos' plea agreement when he entered the amended judgment and sentence that was later vacated. Petition 16. Amos has not shown how the DPA violated any plea agreement, let alone that he

has been prejudiced, which is required for Amos to prevail in this petition, therefore Amos' claim fails.

1. Standard Of Review.

Alleged constitutional errors must be established by preponderance of the evidence by the petitioner that the error resulted in actual and substantial prejudice. *Cross*, 180 Wn.2d at 671 (internal citations omitted). If the alleged error is not of constitutional magnitude then the petitioner must show the court that there is "a fundamental defect resulting in a complete miscarriage of justice." *Id.*, citing *In re Pers. Restraint Elmore*, 162 Wn.2d at 251.

2. Amos Has Not Shown That The Alleged Error Has Resulted In Any Prejudice, Therefore His Claim Fails.

As petitioner, Amos has the burden of establishing prejudice. *Cross*, 180, Wn.2d at 671; *In re Pers. Restraint of Yates*, 177 Wn.2d 1, 17, 296 P.3d 872 (2013). Nowhere in Amos' argument does he articulate how he has been prejudiced by the State's actions. Petition 16-17. The simple answer is, he is not.

The original judgment and sentence is in effect. Appendix A, Q; Appendix R, page 12. The DPA made the sentencing recommendation he promised he would. Appendix J, pages 4-6.

The DPA told the trial court that it did not know if Amos would be able to serve the entire sentence in DOC. *Id.* at 5. In an effort to assist Amos the DPA requested that all of Amos' credit for time served be given on one of the gross misdemeanor counts, which the trial court ordered. Appendix A, page 7; Appendix J, page 5. The trial court sentenced Amos to 144 months in DOC, with the two gross misdemeanors running consecutively to the felony sentences. Appendix A. Even if Amos is unable to serve his gross misdemeanor sentence in DOC, he still cannot show actual prejudice, as there is no "right" to serve one's sentence in any particular place. The DPA promised to recommend 144 months, and that is what he did.

It is a fundamental requirement that a petitioner seeking collateral relief show actual prejudice. This requirement has evolved over the last few years. It applies even in cases where on direct appeal the error would be structural. As clarified in *In re Coggin*:

As we explained in *In re Personal Restraint of Stockwell*, 179 Wn.2d 588, 316 P.3d 1007 (2014), a petitioner's burden on collateral review has evolved over the course of several decades. We have required petitioners who collaterally attack their convictions to satisfy a higher burden, recognizing that a personal restraint petition does not substitute for a direct appeal, and different procedural rules

have been adopted recognizing this difference. Where a presumption of prejudice is appropriate for direct review in some cases, it may not be appropriate for collateral review. *Stockwell*, 179 Wn.2d at 596-97, 316 P.3d 1007. *Even in those cases where the error would never be harmless on direct review, we have not adopted a categorical rule that would equate per se prejudice on collateral review with per se prejudice on direct review.* “We have limited the availability of collateral relief because it undermines the principles of finality of litigation, degrades the prominence of trial, and sometimes deprives society of the right to punish admitted offenders.” *St. Pierre*, 118 Wn.2d [321] at 329, 823 P.2d 492 [1992] (denying relief where issue of defective charging documents was raised for the first time in a personal restraint petition (citing *In re Pers. Restraint of Hagler*, 97 Wn.2d 818, 824, 650 P.2d 1103 (1982))).

In re Pers. Restraint of Coggin, 182 Wn.2d 115, 120, 340 P.3d 810 (2014) (petitioner must show prejudice even where on direct appeal error would be structural and reversal automatic) (emphasis added).

Also on point is *In re Pers. Restraint of Smalls*, 182 Wn. App. 381, 335 P.3d 949 (2014), *review denied*, 182 Wn.2d 1015 (2015), where Division I of the court of appeals held:

A petitioner whose judgment and sentence is facially invalid may obtain relief by *showing that this facial invalidity had a practical effect on his sentence*. A petitioner who makes this showing is entitled only to a remand to the trial court to correct the invalidity but is not entitled to assert a time-barred challenge to the validity of his plea. *If, like Yates, the petitioner cannot show prejudice caused by the sentencing court, he is*

not entitled to any relief and his petition will be dismissed.

Smalls, 182 Wn. App. at 391 (emphasis added).

Amos cannot show actual and substantial prejudice and his claim fails. The alleged breach by the DPA has no practical consequences as Amos is serving the exact sentence that the DPA allegedly promised to request. This Court should dismiss his petition.

G. AMOS' CLAIM REGARDING HIS ATTEMPT TO APPEAL HIS AMENDED JUDGMENT AND SENTENCE IS MOOT, FURTHER, HE CAN SHOW NO PREJUDICE IN THE TRIAL COURT'S FAILURE TO SIGN HIS ORDER OF INDIGENCY.

Amos claims his constitutional rights were violated when Judge Brosey refused to hear Amos' motion for an order of indigency and instead vacated the amended judgment and sentence and told Amos to file a personal restraint petition if he desired relief. Petition 18. Amos' notice of appeal only appealed the amended judgment and sentence. Appendix BB. The letter from the Court of Appeals telling Amos he must serve the State and either pay the filing fee or have an order of indigency filed for the appeal to be perfected relate to his notice of appeal as filed. Appendix BB, CC. That amendment to the judgement and sentence was vacated

on January 8, 2015 by Judge Brosey, at Amos' request. Appendix Q, BB, DD; Appendix R, page 11.

An issue on appeal is moot if the reviewing court can no longer provide the party effective relief. *State v. Harris*, 148 Wn. App. 22, 26, 197 P.3d 1206 (2006), *citing State v. Ross*, 152 Wn.2d 220, 228, 95 P.3d 1225 (2004). An issue that is moot will not be considered unless "it involves matters of continuing and substantial public interest." *In re Eaton*, 110 Wn.2d 892, 895, 757 P.3d 961 (1988).

Amos' appeal was mooted by the fact that the trial court vacated the amendment to the judgment and sentence and reinstated the original judgment and sentence. Amos could have filed an appeal of that order and asked that it relate back to the original judgment and sentence but did not do that. He is simply arguing that because Judge Brosey refused to consider his motion for indigency on his already filed, and then mooted appeal, that his constitutional rights have been violated. There was nothing left to appeal from his notice of appeal and this issue is now moot.

Further, as petitioner, Amos must show he is prejudiced by the trial court's actions. *In re Coggin*, 182 Wn.2d at 120. The prejudice must be actual and substantial and Amos can show

neither as there is nothing left to appeal in regards to the amendment to the judgment and sentence. Further, this Court could order the trial court to consider Amos' motion for an order of indigency if it so believed that was a necessary course of action and allow him to proceed with his appeal. But this action would not be necessary in this case because, (1) Amos' appeal is moot, and (2) Amos validly waived his right to appeal in consideration for a reduction in charges, including dismissal of what would have been Amos' third strike. Amos can show no prejudice and his claim fails. This Court should dismiss his petition.

H. AMOS CANNOT MEET HIS BURDEN TO SHOW HIS TRIAL COUNSEL WAS INEFFECTIVE, THEREFORE, HIS INEFFECTIVE ASSISTANCE OF COUNSEL CLAIM FAILS.

Amos asserts his counsel was ineffective for failing to object to (1) having Amos plead guilty in excess of the statutory authority (2) allowing the State to breach the plea agreement, and (3) incorrectly advising him that the gross misdemeanor sentences could be served at the Department of Corrections, and (4) advising Amos to waive his right to appeal and collateral attack. Petition 7-8. Amos' trial counsel provided competent, effective representation throughout the pretrial proceedings, plea proceedings and

sentencing of this matter. Amos' claim of ineffective assistance of counsel therefore fails.

1. Standard Of Review.

In a personal restraint petition, petitioner bears the burden of showing prejudicial error. *In re Gronquist*, 138 Wn.2d 388, 396, 978 P.2d 1083 (1990).

2. Amos Must Show His Counsel's Performance Was Deficient And He Was Prejudiced By The Deficient Performance.

To prevail on an ineffective assistance of counsel claim Amos must show that (1) the attorney's performance was deficient and (2) the deficient performance prejudiced the defense. *Strickland v. Washington*, 466 U.S. 668, 687, 104 S. Ct. 2052, 80 L. Ed. 674 (1984); *State v. Reichenbach*, 153 Wn.2d 126, 130, 101 P.3d 80 (2004). The presumption is that the attorney's conduct was not deficient. *Reichenbach*, 153 Wn.2d at 130, *citing State v. McFarland*, 127 Wn.2d 322, 335, 899 P.2d 1251 (1995). Deficient performance exists only if counsel's actions were "outside the wide range of professionally competent assistance." *Strickland*, 466 U.S. at 690. The court must evaluate whether given all the facts and circumstances the assistance given was reasonable. *Id.* at 688. There is a sufficient basis to rebut the presumption that an

attorney's conduct is not deficient "where there is no conceivable legitimate tactic explaining counsel's performance." *Reichenbach*, 153 Wn.2d at 130.

If counsel's performance is found to be deficient, then the only remaining question for the reviewing court is whether the defendant was prejudiced. *State v. Horton*, 116 Wn. App. 909, 921, 68 P.3d 1145 (2003). Prejudice "requires 'a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different.'" *State v. Horton*, 116 Wn. App. at 921-22, *citing Strickland*, 466 U.S. at 694.

As argued above, there was no breach of the plea agreement by the Deputy Prosecutor, therefore Amos' attorney was not derelict in his duty to client for "allowing" the State to breach its agreement. It is the State's position that Amos' sentence, 144 months to the Department of Corrections is lawful, therefore making Amos' counsel's advisement that Amos could serve his gross misdemeanor time in DOC an accurate statement.⁶ Appendix J, page 6. Even if Amos' counsel's advice ultimately ends up being an incorrect statement of the law, and this Court upholds the ruling in *Besio*, Amos has not shown how he has been prejudiced by his

⁶ The statement is accurate with the exception of there being a case on point to support the point.

attorney's incorrect statement. Petition 7-8. Amos, as petitioner has the burden of establishing prejudice, he must show this court that his attorney's deficient performance led to a result that would have been different. Amos is asking this Court to dismiss the charges and case as his remedy. Amos does not state he would not have pled guilty if he did not know he could possibly do the time in county jail. Petition 7-8. Amos has filed no affidavit with this court. See Petition and Exhibits. There is no prejudice. Amos got the deal for which he bargained, a massive reduction in charges, eliminating a third strike, in exchange for 144 months. Appendix A, B, E, F, H, I, J.

Finally, Amos' claim that his attorney was ineffective for advising him to waive his right to appeal and collateral attack is baseless and he cannot show deficient performance. As stated above, Amos received an immense deal from the State, but had to agree to give up his appeal and collateral attack rights in order to take advantage of the plea agreement. Appendix A, B, E, F, H, I, J. In fact, the Washington State Supreme Court held nearly 30 years ago that a defendant could waive his or her right to appeal, if it was a knowing, voluntary and intelligent waiver. *Perkins*, 108 Wn.2d at

215. The Supreme Court discussed that it could be a valid part of a plea deal for a defendant to give up their right to an appeal, stating:

It may be fairly said that the majority of courts which have considered the issue have held that there is nothing illegal per se about a waiver of the right to appeal. As the Supreme Court of New Jersey explained in a similar case:

It is obvious that a pronouncement by this court of the flat illegality under any circumstances of an agreement by a defendant to waive an appeal would operate substantially to cut down the incentive of prosecutors in many cases to offer what particular defendants and their attorneys might regard as worthwhile inducements to forego that right. Discouragement of plea negotiation to that extent does not appear to us consistent with sound judicial policy.

We do not share the view that there is an affirmative public policy to be served in fostering appeals, whether civil or criminal, such that the waiver of an appeal by a defendant is per se against the public interest. It has been said, to the contrary, that "[t]he settlement of litigation ranks high in our public policy." That view properly applies to criminal as well as civil litigation, particularly in this era of proliferation of criminal appeals, provided always the administration of such a settlement is fair, free from oppressiveness, and sensitive to the interests of both the accused and the State.

(Citation omitted.) *State v. Gibson*, 68 N.J. 499, 511, 348 A.2d 769, 89 A.L.R.3d 840 (1975). The State of Washington also recognizes a strong public interest in enforcing the terms of plea agreements voluntarily entered into by the parties.

Id. at 215-216. Surely, if the Washington State Supreme Court has recognized that a waiver of the right to appeal and/or collateral attack can be a valid and useful part of negotiations in a plea agreement, then counsel's performance for Amos is clearly not deficient. Amos' counsel negotiated a settlement whereby Amos agreed to waive his right to appeal and/or collateral attack and he would receive a reduction in charges, from a third strike which would have resulted in a mandatory life sentence to 144 months. This is not deficient performance.

Amos' claim of ineffective assistance of counsel fails on all counts and this Court should dismiss his petition.

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V. CONCLUSION

Amos' petition is barred on many procedural fronts, he is not timely, it is mixed, and he waived his right to collaterally attack his judgment and sentence as part of a valid plea agreement. If this Court were to reach the merits of any of Amos' claims, they all fail, as Amos does not meet his burden as petitioner. The State did not interfere with Amos' right to counsel. The sentence Amos is under is a lawful sentence, as *Besio*, is wrongly decided. The State did not breach its plea agreement with Amos. Amos' appeal of the amendment to his judgment and sentence was mooted when the trial court vacated that order. Finally, Amos received effective assistance from his counsel throughout his representation and Amos has not shown he was prejudiced by any deficiencies in his counsel's performance. This Court should dismiss Amos' personal restraint petition.

RESPECTFULLY submitted this 8th day of April, 2016.

JONATHAN MEYER
Lewis County Prosecuting Attorney



by: _____
SARA I. BEIGH, WSBA 35564
Attorney for the Respondent.

Appendix A

Judgment and Sentence

Received & filed
LEWIS COUNTY, WASH
Superior Court

AUG 20 2014

By Katny A. Brack, Clerk *ST*
Deputy

ORIGINAL

Superior Court of Washington
in and for Lewis County

STATE OF WASHINGTON, Plaintiff,

No. 13-1-00818-6

vs.

FORREST EUGENE AMOS, Defendant.
DOB: 05/16/1983
PCN:
SID: WA18562708

Felony Judgment and Sentence --
Prison

(FJS)

[X] Clerk's Action Required, para 2.1, 4.1, 4.3, 5.2,
5.3, 5.5 and 5.7

[] Defendant Used Motor Vehicle

I. Hearing

1.1 The court conducted a sentencing hearing this date; the defendant, the defendant's lawyer, and the (deputy) prosecuting attorney were present.

II. Findings

2.1 **Current Offenses:** The defendant is guilty of the following offenses, based upon

☒ guilty plea 07-31-14 ☐ jury-verdict (date) _____ ☐ bench trial (date) _____

Count	Crime	RCW (w/subsection)	Class	Date of Crime
II.	Tampering With a Witness	9A.72.120	C	5-1-13 to 12-2-13
III.	Computer Trespass in the First Degree	9A.52.110	C	5-1-13 to 12-2-13
IV.	Possession of Marijuana With Intent to Manufacture or Deliver	69.50.401(2)(c)	C	4-1-13 to 4-30-13
V.	Attempted Possession of Marijuana With Intent to Manufacture or Deliver	69.50.401(2)(c) & 9A.28.020(1)	GM	4-1-13 to 4-30-13
VI.	Attempted Forgery	9A.60.020(1) & 9A.28.020(1)	GM	4-1-13 to 4-30-13
VII.	Possession of a Controlled Substance With Intent to Manufacture or Deliver	69.50.401(2)(a)	B	1-1-13 to 5-21-13
VIII.	Delivery of a Controlled Substance	69.50.401(2)(c)	B	1-1-13 to 5-21-13

Felony Judgment and Sentence (FJS) (Prison)(Nonsex
Offender)
(RCW 9.94A.500, .505)(WPF CR 84.0400 (07/2013))

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LEWIS COUNTY
PROSECUTING ATTORNEY
345 W. Main Street, 2nd Floor
Chehalis, WA 98532
360-740-1240 (Voice) 360-740-1497 (Fax)

X. Introducing Contraband in the Third Degree	9A.76.160	GM	1-1-13 to 5-21-13
XI. Attempted Theft in the Second Degree	9A.56.040(1) & 9A.28.020(1)	GM	1-1-12 to 12-31-12
XII. Possession of a Controlled Substance With Intent to Manufacture or Deliver	69.50.401(2)(a)	B	1-1-12 to 12-31-12
XIII. Delivery of a Controlled Substance	69.50.401(2)(c)	B	1-1-12 to 12-31-12
XIV. Delivery of a Controlled Substance	69.50.401(2)(c)	B	1-1-12 to 12-31-12
XV. Possession of a Controlled Substance With Intent to Manufacture or Deliver	69.50.401(2)(a)	B	4-20-11 to 12-31-12
XVI. Delivery of a Controlled Substance	69.50.401(2)(c)	B	4-20-11 to 12-31-12

Class: FA (Felony-A), FB (Felony-B), FC (Felony-C)

(If the crime is a drug offense, include the type of drug in the second column.)

☐ Additional current offenses are attached in Appendix 2.1a.

The jury returned a special verdict or the court made a special finding with regard to the following:

GV ☐ For the crime(s) charged in Count _____, **domestic violence** was pled and proved. RCW 10.99.020.

☐ The defendant used a **firearm** in the commission of the offense in Count _____. RCW 9.94A.825, 9.94A.533.

☐ The defendant used a **deadly weapon other than a firearm** in committing the offense in Count _____. RCW 9.94A.825, 9.94A.533.

☐ Count _____, **Violation of the Uniform Controlled Substances Act (VUCSA)**, RCW 69.50.401 and RCW 69.50.435, took place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.

☐ In count _____ the defendant committed a robbery of a pharmacy as defined in RCW 18.64.011(21), RCW 9.94A.____.

☐ The defendant committed a crime involving the manufacture of methamphetamine, including its salts, isomers, and salts of isomers, **when a juvenile was present in or upon the premises of manufacture** in Count _____. RCW 9.94A.605, RCW 69.50.401, RCW 69.50.440.

☐ Count _____ is a **criminal street gang-related felony offense** in which the defendant compensated, threatened, or solicited a **minor** in order to involve that minor in the commission of the offense. RCW 9.94A.833.

☐ Count _____ is the crime of **unlawful possession of a firearm** and the defendant was a **criminal street gang member or associate** when the defendant committed the crime. RCW 9.94A.702, 9.94A.829.

☐ The defendant committed ☐ **vehicular homicide** ☐ **vehicular assault** proximately caused by driving a vehicle while under the influence of intoxicating liquor or drug or by operating a vehicle in a reckless manner. The offense is, therefore, deemed a violent offense. RCW 9.94A.030.

GY ☐ In Count _____, the defendant had (number of) _____ **passenger(s) under the age of 16** in the vehicle. RCW 9.94A.533.

☐ Count _____ involves **attempting to elude** a police vehicle and during the commission of the crime the defendant endangered one or more persons other than the defendant or the pursuing law enforcement officer. RCW 9.94A.834.

☐ In Count _____ the defendant has been convicted of **assaulting a law enforcement officer** or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault, as provided under RCW 9A.36.031, and the defendant intentionally committed the assault with what appeared to be a firearm. RCW 9.94A.831, 9.94A.533.

☐ Count _____ is a felony in the commission of which the defendant used a **motor vehicle**. RCW 9A.36.030.

☐ The defendant has a **chemical dependency** that has contributed to the offense(s). RCW 9.94A.607.

☐ In Count _____, assault in the 1st degree (RCW 9A.36.011) or assault of a child in the 1st degree (RCW 9A.36.120), the offender used force or means likely to result in death or intended to kill the victim and shall be subject to a mandatory minimum term of 5 years (RCW 9.94A.540).

☐ Counts N/A encompass the same criminal conduct and count as one crime in determining the offender score. RCW 9.94A.589.

☐ **Other current convictions listed under different cause numbers used in calculating the offender score are** (list offense and cause number):

	<i>Crime</i>	<i>Cause Number</i>	<i>Court (county & state)</i>	<i>DV*Yes</i>
1.	None Known			
2.				

* DV: Domestic Violence was pled and proved.

☐ Additional current convictions listed under different cause numbers used in calculating the offender score are attached in Appendix 2.1b.

2.2 Criminal History (RCW 9.94A.525):

	<i>Crime</i>	<i>Date of Crime</i>	<i>Date Of Sentence</i>	<i>Sentencing Court (County & State)</i>	<i>A or J Adult, Juv.</i>	<i>Type of Crime</i>	<i>DV* Yes</i>
1	VUCSA - Poss.	10-06-2011	01-28-2013	Lewis WA	A	NV	
2	Assault 2	02-26-2004	06-20-2005	Walla Walla, WA	A	V	
3	Burglary 1	01-16-2000	04-25-2000	Lewis WA	A	V	

4	Robbery 1	01-16-2000	04-25-2000	Lewis WA	A	V	
5	Assault 2	01-16-2000	04-25-2000	Lewis WA	A	V	
6	Theft firearm	01-16-2000	04-25-2000	Lewis WA	A	NV	
7	UPF 1	01-16-2000	04-25-2000	Lewis WA	A	NV	
8	Burglary 2	02-25-1999	03-02-1999	Lewis WA	J	NV	
9	Malicious Mischief 2	05-24-1998	09-01-1998	Lewis WA	J	NV	
10	Burglary 2	05-02-1997	05-16-1997	Lewis WA	J	NV	
11	PSP 2	05-02-1997	05-16-1997	Lewis WA	J	NV	

* DV: Domestic Violence was pled and proved.

☐ Additional criminal history is attached in Appendix 2.2.

☐ The defendant committed a current offense while on community placement/community custody (adds one point to score). RCW 9.94A.525.

☐ The prior convictions listed as number(s) _____, above, or in appendix 2.2, are one offense for purposes of determining the offender score (RCW 9.94A.525)

☐ The prior convictions listed as number(s) _____, above, or in appendix 2.2, are not counted as points but as enhancements pursuant to RCW 46.61.520.

2.3 Sentencing Data:

Count No.	Offender Score	Seriousness Level	Standard Range	Plus Enhancements	Total Standard Range (including enhancements)	Maximum Term
II	9+	III	51-60 months		51-60 months	10 years
III	9+	II	43-57 months		43-57 months	5 years
IV	9+	I	12+-24 months		12+-24 months	5 years
V	N/A	GM	0-364 days		0-364 days	364 days
VI	N/A	GM	0-364 days		0-364 days	364 days
VII	9+	II	60-120 months		60-120 months	10 years
VIII	9+	II	60-120 months		60-120 months	10 years
X	N/A	M	0-90 days		0-90 days	90 days
XI	N/A	GM	0-364 days		0-364 days	364 days

XII	9+	II	60-120 months		60-120 months	10 years
XIII	9+	II	60-120 months		60-120 months	10 years
XIV	9+	II	60-120 months		60-120 months	10 years
XV	9+	II	60-120 months		60-120 months	10 years
XVI	9+	II	60-120 months		60-120 months	10 years

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (RPh) Robbery of a pharmacy, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present, (CSG) criminal street gang involving minor, (AE) endangerment while attempting to elude, (ALF) assault law enforcement with firearm, RCW 9.94A.533(12), (P16) Passenger(s) under age 16.

☐ Additional current offense sentencing data is attached in Appendix 2.3.

For violent offenses, most serious offenses, or armed offenders, recommended **sentencing agreements or plea agreements** are ☐ attached ☐ as follows:

2.4 ☐ **Exceptional Sentence.** The court finds substantial and compelling reasons that justify an exceptional sentence:

☐ below the standard range for Count(s) _____.

☐ above the standard range for Count(s) _____.

☐ The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.

☐ Aggravating factors were ☐ stipulated by the defendant, ☐ found by the court after the defendant waived jury trial, ☐ found by jury, by special interrogatory.

☐ within the standard range for Count(s) _____, but served consecutively to Count(s) _____.

Findings of fact and conclusions of law are attached in Appendix 2.4. ☐ Jury's special interrogatory is attached. The Prosecuting Attorney ☐ did ☐ did not recommend a similar sentence.

2.5 **Legal Financial Obligations/Restitution.** The court has considered the total amount owing, the defendant's present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. (RCW 10.01.160). The court makes the following specific findings:

☐ The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753): _____.

☐ The defendant has the present means to pay costs of incarceration. RCW 9.94A.760.

☐ (Name of agency) _____'s costs for its emergency response are reasonable. RCW 38.52.430 (effective August 1, 2012).

2.6 ☐ **Felony Firearm Offender Registration.** The defendant committed a felony firearm offense as defined in RCW 9.41.010.

☐ The court considered the following factors:

☐ the defendant's criminal history.

☐ whether the defendant has previously been found not guilty by reason of insanity of any offense in this state or elsewhere.

☐ evidence of the defendant's propensity for violence that would likely endanger persons.

☐ other: _____.

☐ The court decided the defendant ☐ should ☐ should not register as a felony firearm offender.

III. Judgment

3.1 The defendant is *guilty* of the Counts and Charges listed in Paragraph 2.1 and Appendix 2.1.

3.2 ☒ The court *dismisses* Counts I and IX in the charging document.

IV. Sentence and Order

It is ordered:

4.1 **Confinement.** The court sentences the defendant to total confinement as follows:

(a) **Confinement.** RCW 9.94A.589. A term of total confinement in the custody of the Department of Corrections (DOC):

60 months on Count II

57 months on Count III

24 months on Count IV

364 days w/ 0 suspended months on Count V

364 days w/ 0 suspended months on Count VI

120 months on Count VII

120 months on Count VIII

90 days months on Count X

364 days w/ 0 suspended months on Count XI

120 months on Count XII

120 months on Count XIII

120 months on Count XIV

120 months on Count XV

120 months on Count XVI

☐ The confinement time on Count(s) _____ contain(s) a mandatory minimum term of _____.

☐ The confinement time on Count _____ includes _____
months as enhancement for ☐ firearm ☐ deadly weapon ☐ VUCSA in a protected zone
☐ manufacture of methamphetamine with juvenile present.

Actual number of months of total confinement ordered is: 144 months

120 + 12 + 12 =
144 mo.

All counts shall be served concurrently, EXCEPT COUNT 5 WILL RUN CONSECUTIVE TO ALL COUNTS AND COUNT 6 WILL RUN CONSECUTIVE TO ALL COUNTS AND CONSECUTIVE TO COUNT 5.

This sentence shall run consecutively with the sentence in the following cause number(s) (see RCW 9.94A.589(3)): _____

Confinement shall commence immediately unless otherwise set forth here: _____

- (b) Credit for Time Served. The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The jail shall compute time served. Credit for time served is: 262 days. → credit to be applied to Count 5.
- (c) ☐ Work Ethic Program. RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic program. The court recommends that the defendant serve the sentence at a work ethic program. Upon completion of work ethic program, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions in Section 4.2. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of confinement.

4.2 Community Custody. (To determine which offenses are eligible for or required for community custody see RCW 9.94A.701)

(A) The defendant shall be on community custody for:

Count(s) _____ 36 months for Serious Violent Offenses

Count(s) _____ 18 months for Violent Offenses

Count(s) 4, 12 months (for crimes against a person, drug offenses, or offenses involving the unlawful possession of a firearm by a street gang member or associate)

Note: combined term of confinement and community custody for any particular offense cannot exceed the statutory maximum. RCW 9.94A.701.

(B) While on community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while on community custody; (6) not own, use, or possess firearms or ammunition; (7) pay supervision fees as determined by DOC; (8) perform affirmative acts as required by DOC to confirm compliance with the orders of the court; and (9) abide by any additional conditions imposed by DOC under RCW 9.94A.704 and .706. The

defendant's residence location and living arrangements are subject to the prior approval of DOC while on community custody.

The court orders that during the period of supervision the defendant shall:

- ☐ consume no alcohol.
- ☐ have no contact with: _____.
- ☐ remain ☐ within ☐ outside of a specified geographical boundary, to wit: _____
- ☐ not serve in any paid or volunteer capacity where he or she has control or supervision of minors under 13 years of age.
- ☐ participate in the following crime-related treatment or counseling services:
_____.
- ☐ undergo an evaluation for treatment for ☐ domestic violence ☐ substance abuse
☐ mental health ☐ anger management, and fully comply with all recommended treatment.
- ☐ comply with the following crime-related prohibitions: _____
_____.
- ☐ Other conditions: _____

Court Ordered Treatment: If any court orders mental health or chemical dependency treatment, the defendant must notify DOC and the defendant must release treatment information to DOC for the duration of incarceration and supervision. RCW 9.94A.562.

4.3 Legal Financial Obligations: The defendant shall pay to the clerk of this court:

JASS CODE

PCV	\$ 500	Victim assessment	RCW 7.68.035
PDV	\$	Domestic Violence assessment	RCW 10.99.080
CRC	\$	Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190	
		Criminal filing fee \$ 200.00	FRC
		Witness costs \$	WFR
		Sheriff service fees \$ 258.70	SFR/SFS/SFW/WRF
		Jury demand fee \$	JFR
		Extradition costs \$	EXT
		Other \$	
PUB	\$ 13,822. ⁵⁰	Fees for court appointed attorney	RCW 9.94A.760
WFR	\$	Court appointed defense expert and other defense costs	RCW 9.94A.760

FCM/MTH \$ 3,000 Fine RCW 9A.20.021; ☒ VUCSA chapter 69.50 RCW, ☐ VUCSA additional fine deferred due to indigency RCW 69.50.430

CDF/LDI/FCD \$ 500 Drug enforcement fund of Lewis County RCW 9.94A.760

NTF/SAD/SDI \$ _____ DUI fines, fees and assessments

CLF \$ 100 Crime lab fee ☐ suspended due to indigency RCW 43.43.690

\$ ~~100~~ DNA collection fee RCW 43.43.7541

FPV \$ _____ Specialized forest products RCW 76.48.140

\$ ~~0~~ Other fines or costs for: LEWIS COUNTY JAIL COSTS

DEF \$ _____ Emergency response costs (\$1000 maximum, \$2,500 max. effective Aug. 1, 2012.) RCW 38.52.430 Agency: _____

\$ _____ Restitution to: _____

RTN/RJN \$ _____ Restitution to: _____

(Name and Address--address may be withheld and provided confidentially to Clerk of the Court's office.)

\$ _____ **Total** RCW 9.94A.760

☒ The above total does not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

☒ shall be set by the prosecutor.

☐ is scheduled for _____ (date).

☒ The defendant waives any right to be present at any restitution hearing (sign initials): _____.

☐ Restitution Schedule attached.

☐ Restitution ordered above shall be paid jointly and severally with:

Name of other defendant Cause Number (Victim's name) (Amount-\$)

RJN _____

☒ The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

☒ All payments shall be made in accordance with the policies of the clerk of the court and on a schedule established by DOC or the clerk of the court, commencing immediately, unless the court

specifically sets forth the rate here: Not less than \$ 25 per month commencing immediately, RCW 9.94A.760.

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested, RCW 9.94A.760(7)(b).

☐ The court orders the defendant to pay costs of incarceration at the rate of \$ _____ per day, (actual costs not to exceed \$100 per day). (JLR) RCW 9.94A.760. (This provision does not apply to costs of incarceration collected by DOC under RCW 72.09.111 and 72.09.480.)

The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160.

4.4 DNA Testing. The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. This paragraph does not apply if it is established that the Washington State Patrol crime laboratory already has a sample from the defendant for a qualifying offense. RCW 43.43.754.

☐ **HIV Testing.** The defendant shall submit to HIV testing. RCW 70.24.340.

4.5 No Contact:

☐ The defendant shall not have contact with _____ (name) including, but not limited to, personal, verbal, telephonic, written or contact through a third party until _____ (which does not exceed the maximum statutory sentence).

☐ The defendant is excluded or prohibited from coming within _____ (distance) of: ☐ _____ (name of protected person(s))'s ☐ home/ residence ☐ work place ☐ school ☐ (other location(s)) _____

_____, or
☐ other location: _____

until _____ (which does not exceed the maximum statutory sentence).

☐ A separate Domestic Violence No-Contact Order, Antiharassment No-Contact Order, or Stalking No-Contact Order is filed concurrent with this Judgment and Sentence.

4.6 Other: _____

4.7 Off-Limits Order. (Known drug trafficker). RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the county jail or Department of Corrections: _____

4.8 Exoneration: The Court hereby exonerates any bail, bond and/or personal recognizance conditions.

V. Notices and Signatures

- 5.1 Collateral Attack on Judgment.** If you wish to petition or move for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, you must do so within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.
- 5.2 Length of Supervision.** If you committed your offense prior to July 1, 2000, you shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. If you committed your offense on or after July 1, 2000, the court shall retain jurisdiction over you, for the purpose of your compliance with payment of the legal financial obligations, until you have completely satisfied your obligation, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). The clerk of the court has authority to collect unpaid legal financial obligations at any time while you remain under the jurisdiction of the court for purposes of your legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).
- 5.3 Notice of Income-Withholding Action.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections (DOC) or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.
- 5.4 Community Custody Violation.**
- (a) If you are subject to a first or second violation hearing and DOC finds that you committed the violation, you may receive as a sanction up to 60 days of confinement per violation. RCW 9.94A.633.
 - (b) If you have not completed your maximum term of total confinement and you are subject to a third violation hearing and DOC finds that you committed the violation, DOC may return you to a state correctional facility to serve up to the remaining portion of your sentence. RCW 9.94A.714.
- 5.5a Firearms.** You may not own, use or possess any firearm, and under federal law any firearm or ammunition, unless your right to do so is restored by the court in which you are convicted or the superior court in Washington State where you live, and by a federal court if required. You must immediately surrender any concealed pistol license. (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.
- 5.5b ☐ Felony Firearm Offender Registration.** The defendant is required to register as a felony firearm offender. The specific registration requirements are in the "Felony Firearm Offender Registration" attachment.
- 5.6 Reserved**

5.7 ☐ **Department of Licensing Notice:** The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. **Clerk's Action**—The clerk shall forward an Abstract of Court Record (ACR) to the DOL, which must revoke the Defendant's driver's license. RCW 46.20.285. **Findings for DUI, Physical Control, Felony DUI or Physical Control, Vehicular Assault, or Vehicular Homicide (ACR information) (Check all that apply):**

☐ Within two hours after driving or being in physical control of a vehicle, the defendant had an alcohol concentration of breath or blood (BAC) of ____.

☐ No BAC test result.

☐ BAC Refused. The defendant refused to take a test offered pursuant to RCW 46.20.308.

☐ Drug Related. The defendant was under the influence of or affected by any drug.

☐ THC level was _____ within two hours after driving.

☐ Passenger under age 16. The defendant committed the offense while a passenger under the age of sixteen was in the vehicle.

Vehicle Info.: ☐ Commercial Veh. ☐ 16 Passenger Veh. ☐ Hazmat Veh.

5.8 Other: _____

Done in Open Court and in the presence of the defendant this date: 8/20/14

Judge/Print Name: _____

Richard L. Brosey
Judge

Deputy Prosecuting Attorney

WSBA No. 23838

Print Name: William Halstead

Attorney for Defendant

WSBA No. 24637

Print Name: Don Blair

Defendant

Print Name: Forrest E. Amos

Voting Rights Statement: I acknowledge that I have lost my right to vote because of this felony conviction. If I am registered to vote, my voter registration will be cancelled.

My right to vote is provisionally restored as long as I am not under the authority of DOC (not serving a sentence of confinement in the custody of DOC and not subject to community custody as defined in RCW 9.94A.030). I must re-register before voting. The provisional right to vote may be revoked if I fail to comply with all the terms of my legal financial obligations or an agreement for the payment of legal financial obligations

My right to vote may be permanently restored by one of the following for each felony conviction: a) a certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) a court order issued by the sentencing court restoring the right, RCW 9.92.066; c) a final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) a certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 29A.84.660. Registering to vote before the right is restored is a class C felony, RCW 29A.84.140.

Defendant's signature: _____

VI. Identification of the Defendant

SID No.: WA18562708

Date of Birth: 05/16/1983

(If no SID complete a separate Applicant card
(form FD-258) for State Patrol)

FBI No.: 498830NB6

Local ID No. _____

PCN No. _____

Other _____

Alias name, DOB: _____

Race:

Ethnicity:

Sex:

☐ Asian/Pacific
Islander

☐ Black/African-
American

☒ Caucasian

☐ Hispanic

☒ Male

☐ Native American

☐

Other: _____

☒ Non-
Hispanic

☐ Female

Fingerprints: I attest that I saw the defendant who appeared in court affix his or her fingerprints and signature on this document.

Clerk of the Court, Deputy Clerk,
Dated: 8.20.14

The defendant's signature: _____

Left four fingers taken simultaneously

Left
Thumb

Right
Thumb

Right four fingers taken
simultaneously



Appendix B

Information

Received & Filed
LEWIS COUNTY, WASH
Superior Court

DEC 03 2013

By Kathy A. Brack, Clerk
Deputy

IN THE SUPERIOR COURT OF WASHINGTON IN AND
FOR LEWIS COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

FORREST EUGENE AMOS,

Defendant.

No.13-1-00818-6

INFORMATION

COMES NOW JONATHAN L. MEYER, Prosecuting Attorney of Lewis County, State of Washington, or his deputy, and by this Information accuses the above-named defendant of violating the laws of the State of Washington as follows:

Count I

LEADING ORGANIZED CRIME

On or about and between April 20, 2011 and December 2, 2013, in the County of Lewis, State of Washington, the above-named defendant did intentionally organize, manage, direct, supervise, or finance any three or more persons with the intent to engage in a pattern of criminal profiteering activity; contrary to the Revised Code of Washington 9A.82.060(1)(a).

(MAXIMUM PENALTY—Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9A.82.060(2)(a) and 9A.20.021(1)(a), plus restitution and assessments.)

JIS Code: 9A.82.060.2A Organized Crime-Lead/Org/Mng

INFORMATION

Page 1 of 10

LEWIS COUNTY
PROSECUTING ATTORNEY
345 W. Main Street, 2nd Floor
Chehalis, WA 98532
360-740-1240 (Voice) 360-740-1497 (Fax)

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Count II

TAMPERING WITH A WITNESS

On or about and between May 1, 2013 and December 2, 2013, in the County of Lewis, State of Washington, the above-named defendant did attempt to induce Jennifer Lantau, a witness or person who the Defendant knew was a witness, or a person whom the Defendant had reason to believe was about to be called as a witness in an official proceeding, or a person whom the Defendant had reason to believe may have had information relevant to a criminal investigation, or a person whom the Defendant had reason to believe may have had information relevant to the abuse and neglect of a minor child, to (a) testify falsely or, without right or privilege to do so, to withhold any testimony, and/or (b) absent himself or herself from such proceedings, and/or (c) withhold from a law enforcement agency information which he or she has relevant to a criminal investigation or the abuse or neglect of a minor child to the agency; contrary to the Revised Code of Washington 9A.72.120.

(MAXIMUM PENALTY—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.72.120(2) and 9A.20.021(1)(c), plus restitution and assessments.)

JIS Code: 9A.72.120 Tampering with a Witness

Count III

COMPUTER TRESPASS IN THE FIRST DEGREE

On or about and between May 1, 2013 and December 2, 2013, in the County of Lewis, State of Washington, the above-named defendant, without authority, intentionally gained access to a computer system or electronic database of another, and the defendant gained the access with intent to commit another crime, and/or the violation involved a computer or database maintained by a governmental agency; contrary to the Revised Code of Washington 9A.52.110.

(MAXIMUM PENALTY—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.52.110(2) and 9A.20.021(1)(c), plus restitution and assessments.)

JIS Code:

Count IV

POSSESSION OF MARIJUANA WITH INTENT TO MANUFACTURE OR DELIVER

On or about and between April 1, 2013 and April 30, 2013, in the County of Lewis, State of Washington, the above-named defendant did knowingly possess, with intent to manufacture or deliver, a controlled substance, to-wit: marijuana; contrary to the Revised Code of Washington 69.50.401(1), 69.50.401(2)(c) and 69.40.204(c)(14).

(MAXIMUM PENALTY—Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than \$10,000 pursuant to RCW 69.50.401(2)(c) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000 pursuant to RCW 69.50.401(2)(c) and RCW 69.50.408 and RCW 69.50.430, plus restitution and assessments.)

JIS Code: 69.50.401.2C Cont Subs Sched I/II/III

Count V

ATTEMPTED POSSESSION OF MARIJUANA WITH INTENT TO MANUFACTURE OR DELIVER

On or about and between April 1, 2013 and April 30, 2013, both days inclusive, in the [county/city], State of Washington, the above-named [d/r] did knowingly possess, with intent to manufacture or deliver, a controlled substance, to-wit: marijuana; contrary to the Revised Code of Washington 69.50.401(1), 69.50.401(2)(c) and 69.40.204(c)(14).

To COMMIT THIS CRIME, the defendant, with intent to commit a specific crime, did an act which is a substantial step toward the commission of that crime; contrary to Revised Code of Washington 9A.28.020(1).

(MAXIMUM PENALTY—Five 364 days in jail and/or a fine of not less than \$1,000 nor more than \$10,000 pursuant to RCW 69.50.401(2)(c) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000 pursuant to RCW 69.50.401(2)(c) and RCW 69.50.408 and RCW 69.50.430, plus restitution and assessments.)

(MAXIMUM PENALTY—The maximum penalty for criminal attempt, criminal solicitation and criminal conspiracy is based upon the underlying crime that is charged, pursuant to RCW 9A.28.020(3), 9A.28.030(2), and 9A.28.040(3).)

JIS Code: 69.50.401.2C Cont Subs Sched I/II/III

INFORMATION

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LEWIS COUNTY
PROSECUTING ATTORNEY
345 W. Main Street, 2nd Floor
Chehalis, WA 98532
360-740-1240 (Voice) 360-740-1497 (Fax)

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Count VI
ATTEMPTED FORGERY

On or about and between April 1, 2013 and April 30, 2013, in the County of Lewis, State of Washington, the above-named defendant, with intent to injure or defraud, did attempt to (a) falsely make, complete or alter a written instrument, and/or (b) did possess, utter, offer, dispose of, or put off as true a written instrument which defendant knew to be forged; contrary to the Revised Code of Washington 9A.60.020(1).

To COMMIT THIS CRIME, the defendant, with intent to commit a specific crime, did an act which is a substantial step toward the commission of that crime; contrary to Revised Code of Washington 9A.28.020(1).

(MAXIMUM PENALTY--364 days in jail and/or a \$5,000 fine pursuant to RCW 9A.60.020(3) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

(MAXIMUM PENALTY--The maximum penalty for criminal attempt, criminal solicitation and criminal conspiracy is based upon the underlying crime that is charged, pursuant to RCW 9A.28.020(3), 9A.28.030(2), and 9A.28.040(3).)

JIS Code: 9A.60.020.1 Forgery

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Count VII
POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO MANUFACTURE
OR DELIVER

On or about and January 1, 2013 and May 21, 2013, in the County of Lewis, State of Washington, the above-named defendant did possess, with intent to manufacture or deliver, a controlled substance, to-wit: Oxycodone; contrary to the Revised Code of Washington 69.50.401(1) and 69.50.401(2)(a).

(MAXIMUM PENALTY--Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$25,000; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2)

1 kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW
2 69.50.401(2)(a) and 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

3 JIS Code: 69.50.401.2A Cont Subst Sched I/II-Narc/IV-FIn
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5 **Count VIII**

6 **DELIVERY OF A CONTROLLED SUBSTANCE**

7 On or about and between January 1, 2013 and May 21, 2013, in the County of
8 Lewis, State of Washington, the above-named defendant did knowingly deliver a
9 controlled substance, to-wit: Oxycodone; contrary to the Revised Code of Washington
10 69.50.401(1) and 69.50.401(2)(a) or (b).

11 (MAXIMUM PENALTY--Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than
12 \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment
13 and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms pursuant to
14 RCW 69.50.401(2)(a) or (b) and RCW 69.50.430(1), plus restitution and assessments.)

15 (If the defendant has previously been convicted under chapter 69.50 RCW or any statute of the United
16 States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic
17 drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than
18 \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20)
19 years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2)
20 kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW
21 69.50.401(2)(a) or (b) and 69.50.408 and RCW 69.50.430, plus restitution and assessments.)

22 JIS Code: 69.50.401.2C Cont Subs Sched I/II/III
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24 **Count IX**

25 **IDENTITY THEFT IN THE SECOND DEGREE**

26 On or about and between January 1, 2013 and May 21, 2013 in the County of
27 Lewis, State of Washington, the above-named defendant did knowingly obtain, possess,
28 use, or transfer a means of identification or financial information of another person,
29 living or dead, with the intent to commit, or to aid or abet, any crime; contrary to the
30 Revised Code of Washington 9.35.020(1) and (3).

(MAXIMUM PENALTY--Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9.35.020(3) and
RCW 9A.20.021(1)(c), plus restitution and assessments.)

(ADDITIONAL CIVIL PENALTY--A person who violates this section is liable for civil damages of one thousand
dollars or actual damages, whichever is greater, including costs to repair the victim's credit record, and
reasonable attorneys' fees as determined by the court, pursuant to RCW 9.35.020(4))

JIS Code: 9.35.020.3 Identity Theft-2

Count X

INTRODUCING CONTRABAND IN THE THIRD DEGREE

On or about and between January 1, 2013 and May 21, 2013, in the County of Clark, State of Washington, the above-named defendant did knowingly and unlawfully provide contraband to any person confined in a detention facility; contrary to Revised Code of Washington 9A.76.160.

(MAXIMUM PENALTY-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 9A.76.160(2) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

JIS Code: 9A.76.160 Introducing Contraband-3rd Degree

Count XI

ATTEMPTED THEFT IN THE SECOND DEGREE

On or about and between January 1, 2012 and December 31, 2012, in the County of Lewis State of Washington, either in a single transaction or in a series of transactions which are part of a criminal episode or a common scheme or plan pursuant to RCW 9A.56.010(18)(c), the above-named defendant did commit theft as defined in RCW 9A.56.020(1)(a), (1)(b), and/or (1)(c) of property, other than a motor vehicle or a firearm as defined in RCW 9.41.010, or services of another or the value thereof, such property or services being in excess of seven hundred fifty dollars (\$750.00) in value but does not exceed five thousand dollars; contrary to the Revised Code of Washington 9A.56.020(1)(a) and RCW 9A.56.040(1)(a).

To COMMIT THIS CRIME, the defendant, with intent to commit a specific crime, did an act which is a substantial step toward the commission of that crime; contrary to Revised Code of Washington 9A.28.020(1).

(MAXIMUM PENALTY--364 days in jail and/or a \$5,000 fine pursuant to RCW 9A.56.040(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

(MAXIMUM PENALTY--The maximum penalty for criminal attempt, criminal solicitation and criminal conspiracy is based upon the underlying crime that is charged, pursuant to RCW 9A.28.020(3), 9A.28.030(2), and 9A.28.040(3).)

JIS Code: 9A.56.040.1AW

Count XII

**POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO MANUFACTURE
OR DELIVER**

On or about and between January 1, 2012 and December 31, 2012, in the County of Lewis, State of Washington, the above-named defendant did possess, with intent to manufacture or deliver, a controlled substance, to-wit: Oxycodone received from Katherine Miles; contrary to the Revised Code of Washington 69.50.401(1) and 69.50.401(2)(a).

(MAXIMUM PENALTY--Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$25,000; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2) kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

JIS Code: 69.50.401.2A Cont Subst Sched I/II-Narc/IV-FIn

Count XIII

DELIVERY OF A CONTROLLED SUBSTANCE

On or about ant between January 1, 2012 and December 31, 2012, in the County of Lewis, State of Washington, the above-named defendant did knowingly deliver a controlled substance, to-wit: Oxycodone to Heather Calkins; contrary to the Revised Code of Washington 69.50.401(1) and 69.50.401(2)(a) or (b).

(MAXIMUM PENALTY--Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms pursuant to RCW 69.50.401(2)(a) or (b) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2)

1 kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW
2 69.50.401(2)(a) or (b) and 69.50.408 and RCW 69.50.430, plus restitution and assessments.)

3 JIS Code: 69.50.401.2C Cont Subs Sched I/II/III
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5 **Count XIV**

6 **DELIVERY OF A CONTROLLED SUBSTANCE**

7 On or about and between January 1, 2012 and December 31, 2012, in the
8 County of Lewis, State of Washington, the above-named defendant did knowingly
9 deliver a controlled substance, to-wit: Oxycodone to Kari Arndt; contrary to the Revised
10 Code of Washington 69.50.401(1) and 69.50.401(2)(a) or (b).

11 (MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than
12 \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment
13 and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms pursuant to
14 RCW 69.50.401(2)(a) or (b) and RCW 69.50.430(1), plus restitution and assessments.)

15 (If the defendant has previously been convicted under chapter 69.50 RCW or any statute of the United
16 States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic
17 drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than
18 \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20)
19 years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2)
20 kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW
21 69.50.401(2)(a) or (b) and 69.50.408 and RCW 69.50.430, plus restitution and assessments.)

22 JIS Code: 69.50.401.2C Cont Subs Sched I/II/III
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24 **Count XV**

25 **POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO MANUFACTURE**

26 **OR DELIVER**

27 On or about and between April 20, 2011 and December 31, 2012, in the County
28 of Lewis, State of Washington, the above-named defendant did possess, with intent to
29 manufacture or deliver, a controlled substance, to-wit: Oxycodone received from Ryan
30 Shewell's prescription; contrary to the Revised Code of Washington 69.50.401(1) and
69.50.401(2)(a).

(MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than
\$25,000; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment
and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more

1 than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and RCW
2 69.50.430(1), plus restitution and assessments.)

3 (If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United
4 States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic
5 drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than
6 \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20)
7 years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2)
8 kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW
9 69.50.401(2)(a) and 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

10 JIS Code: 69.50.401.2A Cont Subst Sched I/II-Narc/IV-Fln

11 **Count XVI**

12 **DELIVERY OF A CONTROLLED SUBSTANCE**

13 On or about and between April 20, 2011 and December 31, 2012, in the County
14 of Lewis, State of Washington, the above-named defendant did knowingly deliver a
15 controlled substance, to-wit: Oxycodone to Alana Shewell; contrary to the Revised Code
16 of Washington 69.50.401(1) and 69.50.401(2)(a) or (b).

17 (MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than
18 \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment
19 and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms pursuant to
20 RCW 69.50.401(2)(a) or (b) and RCW 69.50.430(1), plus restitution and assessments.)

21 (If the defendant has previously been convicted under chapter 69.50 RCW or any statute of the United
22 States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic
23 drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than
24 \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20)
25 years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2)
26 kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW
27 69.50.401(2)(a) or (b) and 69.50.408 and RCW 69.50.430, plus restitution and assessments.)

28 JIS Code: 69.50.401.2C Cont Subs Sched I/II/III

29 DATED: December 3, 2013.

30 JONATHAN L. MEYER
Prosecuting Attorney


WILLIAM J. HALSTEAD, WSBA #23838
Deputy Prosecuting Attorney

DEFENDANT INFORMATION					
NAME: Forrest Eugene Amos				DOB: 05/16/1983	
ADDRESS: 103 Neuwakum Golf Drive					
CITY, STATE, ZIP: Chehalis, WA 98532				PHONE #(s): (360)508-4366	
FBI #498830NB6			SID# WA18562708		LEA# 13A-7516
SEX: M	RACE: W	HGT: 509	WGT: 160	EYES: BLU	HAIR: BLN
OTHER IDENTIFYING INFORMATION					

Appendix C

Declaration of Probable Cause

Received & Filed
LEWIS COUNTY, WASH
Superior Court

DEC 08 2013

By Kathy A. Brack, Clerk ST
Deputy

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IN THE SUPERIOR COURT OF WASHINGTON IN AND
FOR LEWIS COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

FORREST EUGENE AMOS,

Defendant.

No.13-1-00818-6

AFFIDAVIT REGARDING
PROBABLE CAUSE

II. AFFIDAVIT

STATE OF WASHINGTON)
: ss.
COUNTY OF LEWIS)

The undersigned on oath states:

2.1 I am a Deputy Prosecuting Attorney for this county:

2.2 I am familiar with the investigative report in 13A-7516 and the following
information is contained in that report:

In January of the year 2000, a then sixteen year old Forrest Eugene Amos and
three other male subjects went to Joe Hull's residence after midnight and knocked on
the door. Mr. Amos along with his accomplices used a ruse to convince Mr. Hull to allow
them into his home to use the telephone and the bathroom. Shortly thereafter, the four
young men pulled out instruments and began striking Mr. Hull over the head. Mr. Amos
and the other young men were demanding to know where Mr. Hull's pistol and

AFFIDAVIT REGARDING
PROBABLE CAUSE

Page 1 of 12

LEWIS COUNTY
PROSECUTING ATTORNEY
345 W. Main Street, 2nd Floor
Chehalis, WA 98532
360-740-1240 (Voice) 360-740-1497 (Fax)

1 marijuana was located. The men beat Mr. Hull to the point where he was going in and
2 out of consciousness and bleeding profusely while being dragged around the house
3 until eventually the young men took a pistol and marijuana and fled.

4 As a result of the severity of this incident Mr. Amos was charged as an adult and
5 was ultimately found guilty of Burglary in the First Degree, Robbery in the First Degree,
6 Assault in the Second Degree, Theft of a Firearm, and Unlawful Possession of a
7 Firearm in the First Degree. Since Mr. Amos was charged and convicted as an adult,
8 the Burglary, Robbery and Assault convictions all qualify as "most serious" or "strike"
9 offenses under Washington's persistent offender statute. In short, Mr. Amos received
10 his first strike out of the case. Mr. Amos was sentenced to 120 months in DOC, which
11 was subsequently reduced to 87 months in 2009 due to a sentencing issue.

12 In 2004, while Mr. Amos was serving time in the Department of Corrections, he
13 shanked a fellow inmate numerous times, which resulted in very serious and life
14 threatening injuries to the inmate. As a result of this incident, Mr. Amos was convicted of
15 Assault in the Second Degree, which was his second strike offense.

16 In 2010, shortly after being released from prison, Mr. Amos established a
17 marijuana dispensary in Centralia along with other known marijuana "activists" in the
18 Lewis County community. Amos, along with David Low, Colby Cave, and Laurie
19 Spangler, set up a shop under the guise that it was exclusively for marijuana "education
20 and awareness". The group adamantly proclaimed that they were not selling marijuana.

21 During the time the dispensary was up and running, Amos began establishing
22 numerous connections in the controlled substance community and also developed
23 numerous friendships that will be discussed in greater detail later.

24 Over approximately the next year, the Centralia Police Department began
25 investigating the dispensary and used a Confidential Informant to get inside the
26 dispensary. Law enforcement learned that Amos was running an operation whereby
27 customers could purchase green cards unlawfully if they did not already have one and
28 could also buy a wide variety of marijuana. The building also had televisions, video
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1 games, couches, and was setup to facilitate recreational use of marijuana inside. It was
2 discovered that the educational portion of the operation was basically nonexistent.

3 In April of 2011, the Centralia Police Department raided the dispensary and shut
4 it down. As a result of the investigation, the aforementioned individuals (other than
5 Amos) were charged with offenses related to operating the dispensary. Amos was not
6 charged at this time as law enforcement continued to monitor his activities.

7 During the time between being released from prison and the closing of the
8 dispensary, Amos met the following people who are of relevance to the current case:

9 Jennifer Lantau: Amos and Lantau started a romantic relationship shortly after
10 his release from prison and have maintained that relationship on and off until Lantau's
11 incarceration in the Lewis County Jail in May of 2013. Lantau's involvement in Amos'
12 criminal activities will be discussed in greater detail later, but she would be his "right
13 hand woman" both while Amos was in and out of custody.

14 Sharol Chavez: Amos used Chavez to provide green cards illegally to customers
15 of his dispensary. Chavez would later become involved in Amos' Oxycodone deals by
16 providing thousands of Oxycodone tablets illegally to Amos.

17 Wendy Guerrero: Amos also used Guerrero to obtain Oxycodone pills and met
18 her while he was running the dispensary.

19 Ryan and Alana Shewell: A married couple who became friends with Amos and
20 would smoke marijuana at the dispensary and with Amos. The Shewells would also
21 allow Amos to sell marijuana and Oxycodone out of their home. Ryan Shewell has no
22 hands or lower legs and was prescribed Oxycodone because of his medical issues,
23 which would be a prescription Amos would later completely take from Ryan Shewell.

24 Geoffrey Carpenter: Associate of Amos who provided muscle and helped in
25 Amos' sale of narcotics. Carpenter has an extensive criminal history and is currently
26 serving twenty years in prison.

27 Kari Arndt: A friend who smoked marijuana with Amos. Did not assist Amos in his
28 criminal activities initially but they would later form their own marijuana grow together.

1 Amos' primary source of income after being released from DOC was the sale of
2 marijuana through the dispensary and otherwise. Amos also had odd jobs and did
3 manual labor, but his primary source of income has always been through the sale of
4 narcotics in Lewis County.

5 Once the dispensary was shut down, Amos tried to continue to sell marijuana
6 and even set up a marijuana grow with Kari Arndt. However, the sale of marijuana was
7 not lucrative enough and Amos quickly shifted into selling Oxycodone. Amos also began
8 to use Oxycodone and during this period of time in 2011 his friends and associates
9 have remarked that he became highly volatile and obsessed with his drug operation.
10 During this time Amos continued to date Lantau who also was abusing Oxycodone.

11 Law enforcement estimates that in 2011 when Amos was aggressively dealing
12 Oxycodone, that he was the main supplier of Oxycodone within Lewis County and
13 possessing and dealing thousands of pills a month. Some of the following information
14 was known to law enforcement in 2011, however, the extent of Amos' criminal activity
15 and many of the crimes that are being charged in the current case were not known then
16 and have only come to light as a result of numerous witness interviews as part of the
17 2013 investigation.

18 In 2011, Amos spent much of his time at the Shewells' home and would sell
19 Oxycodone out of a spare room there. Once Amos made himself comfortable at the
20 Shewells' residence, he became more aggressive with them, and one day he actually
21 picked their child up from school and said to them that he knew where she went to
22 school and could get to her at any time. Amos also took all of the Oxycodone from Ryan
23 Shewell's prescription to sell on the street. When Amos became paranoid that the
24 Shewells might rat him out he made both of them smoke Oxycodone in his presence.

25 During this time Amos was getting his Oxycodone supply from a number of
26 different sources and was making tens of thousands of dollars. Amos would take
27 prescriptions from many of his friends and associates, including Shewell, and would
28 have the people fill the prescriptions and then give the Oxycodone to him to sell. Amos
29 also had Sharol Chavez working for him to write dozens of prescriptions for people who
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1 Amos would bring to her. Amos would give Chavez a certain amount of money and she
2 would write a prescription with no questions asked. Chavez is now under federal
3 investigation. Wendy Guerrero, another medical practitioner would also assist Amos in
4 getting prescriptions. Amos would then have the people who got prescriptions from
5 Chavez give him the Oxycodone to sell. Amos also had a major supplier of Oxycodone
6 up north who he would meet and buy thousands of pills from.

7 In late 2011, the Centralia Police Department had a confidential informant make
8 purchases of Oxycodone from Amos who was subsequently arrested and charges were
9 filed. By this time Amos and Lantau were very addicted to Oxycodone and were blowing
10 through the money Amos was making for them due to their own personal use. Due to
11 issues with the informant that was used against Amos and also because Amos was
12 willing to work with law enforcement, Amos agreed to become a confidential informant.

13 At the time Amos agreed to become an informant, law enforcement had
14 developed enough information to prosecute Amos for crimes involving the prior
15 dispensary, the marijuana grow with Kari Arndt, and also the deliveries Amos had been
16 caught making to a CI. This was the extent of the criminal activity that law enforcement
17 was aware of in 2011 and 2012 relating to Mr. Amos and this activity was the basis for
18 Mr. Amos' working agreement. Amos worked with federal authorities to intercept a very
19 large supply of Oxycodone and assisted federal authorities in their prosecution. In
20 exchange, Amos was to plead guilty to one count of simple Possession of a Controlled
21 Substance. Amos also had two counts of Intimidating a Witness from 2012 dropped as
22 part of that deal. Amos performed his Confidential Informant work during 2012 and
23 resolved his criminal cases at the end of 2012 and the beginning of 2013. Amos was
24 sentenced to twelve months and one day in prison and was sent to DOC in January of
25 2013.

26 However, prior to Amos pleading guilty and being sent to prison again, a
27 confidential source that shall remain unnamed at this time, advised law enforcement
28 that Amos had maintained a large scale drug operation in Lewis County while he was
29 working with federal authorities up north. The source advised that Amos had never
30

1 ceased his criminal activities and also tipped law enforcement off to the fact that he had
2 made plans with his associates to keep his Oxycodone operation alive while he was in
3 the Department of Corrections.

4 Given this information, in 2013, the Centralia Police Department began yet
5 another investigation with the assistance of the Lewis County Prosecuting Attorney's
6 Office. This investigation would last approximately nine months. As a result of many
7 witness interviews and listening to countless phone calls made by Amos from prison to
8 his associates, law enforcement learned about Amos' criminal activities while he was
9 working as a CI and also while he was in prison in 2013.

10 During 2012 while working as a CI, Amos continued to sell significant quantities
11 of Oxycodone for his own personal financial gain. Amos had Sharol Chavez and Wendy
12 Guerrero providing him with prescription pills, he continued to use Ryan and Alana
13 Shewell's home to sell drugs, and he continued to have his friends and associates let
14 him use their prescriptions. Amos also became connected with a person named
15 Katherine Miles who became Amos' major supplier of Oxycodone. Amos had an
16 arrangement with Miles whereby she would provide Amos with a bag of hundreds or
17 more Oxycodone pills once a month for a set price which Amos would then resell. Amos
18 also had a female client who will be identified in this probable cause affidavit as Client 1
19 who would buy large quantities of Oxycodone from him for sale to her friends and for
20 personal use. Amos also provided Oxycodone to Kari Arndt for her own personal use
21 and Ms. Arndt had never used Oxycodone prior to meeting Amos. During 2012 Ms.
22 Lantau was always by Amos' side and would go to business transactions and meet with
23 people, but she was not allowed to actually run the operation.

24 Law enforcement also learned that Amos devised a plan with Jennifer Lantau to
25 defraud the State of Washington of \$1,000 for medical services. Amos told the Shewells
26 that he and Lantau would apply to become Ryan Shewell's care provider, but would not
27 actually care for Mr. Shewell. Amos said that if he was successful in becoming a care
28 provider that he would take \$1,000 from Alana Shewell that was provided by the State
29 to pay for an actual care provider and use it to buy Oxycodone. Amos then applied to
30

1 become a care provider and was denied due to his felony history. Amos then had
2 Lantau apply and she was also denied because of having a DUI. At this point the
3 attempt to defraud the State for medical services money was ended.

4 To recap, prior to going to prison, Amos had two medical practitioners who he
5 had working to provide him prescriptions, he had specific arrangements with multiple
6 suppliers to provide him with large quantities of Oxycodone, he had two of his
7 associates provide him with a residence to conduct drug deals, he had multiple people
8 giving him their prescriptions, and he had his girlfriend Ms. Lantau at his side during all
9 of his activities.

10 At the end of 2012 when Mr. Amos knew he was about to go to prison, Amos
11 explicitly told Jennifer Lantau, Katherine Miles, Client 1, and Ryan and Alana Shewell
12 that he would be going to prison soon and that Jennifer Lantau was going to be taking
13 over his drug operation to make money for herself and for him while he was in DOC,
14 and also so that he could have his connections alive when he got out later in 2013.
15 Multiple witnesses have confirmed that these conversations took place and that Amos
16 made clear that although Lantau would be doing the work on the outside, his intent was
17 that he would be running the operation from DOC. Amos himself confirmed in numerous
18 calls from DOC that he was calling the shots from prison.

19 Amos instructed Lantau that she was going to continue to sell Oxycodone and
20 that she needed to consistently put money on his books in prison. Furthermore, Amos
21 told Lantau that she needed to stand in for him as a major buyer from Katherine Miles
22 while he was in prison. Amos then told Katherine Miles that Lantau was to be
23 considered the same as him while he was in DOC and that nothing was to change.
24 Amos told Client 1 and the Shewells that they were to assist Lantau in the sale of
25 Oxycodone. Specifically, Client 1 was to go with Lantau to buy the Oxycodone from
26 Miles and was also supposed to help Lantau understand how to properly deal
27 Oxycodone. The Shewells were instructed by Amos to continue to let Lantau use their
28 home, use Ryan's prescription, and Alana Shewell was told that she was supposed to
29
30

1 go with Lantau to drug deals and purchases. All of these orders and instructions by
2 Amos have been corroborated by Amos' own telephone calls from DOC.

3 Based on the criminal investigation it became very apparent that Jennifer Lantau
4 was ill equipped to take over the operation and relied extensively upon Amos' advice
5 from prison. Furthermore, Amos had the aforementioned individuals as well as other
6 people not referenced in this affidavit check on Lantau to make sure that she was not
7 dating other people and to ensure that she was making money for Amos.

8 After laying the groundwork to continue keep his operation alive and also make
9 money while in DOC, Amos orchestrated the following specific crimes from prison:

10 Amos spoke with Jennifer Lantau and Katherine Miles and facilitated the early
11 monthly purchases of large quantities of Oxycodone for Lantau to sell on the street.

12 Amos directed Jennifer Lantau to sell and purchase Oxycodone within Lewis
13 County as well as north of Lewis County. Amos also specifically directed Alana Shewell
14 to travel up and down I-5 with Lantau while she purchased and sold Oxycodone. Alana
15 Shewell confirmed that at Amos' request she did in fact go with Lantau and observed
16 her come back to her vehicle with bags of Oxycodone and then go sell them.

17 Amos directed Jennifer Lantau to make multiple contraband drops into a Clark
18 County work release facility which were then brought to Amos to sell. Lantau dropped
19 cans of tobacco on multiple occasions and on one occasion she dropped drugs with the
20 tobacco for Amos. A telephone call from DOC confirmed that Amos received the
21 tobacco and the drugs. Alana Shewell was present for one of the contraband drops.

22 Amos began to harass and extort incarcerated sex offenders (who are low on the
23 totem pole in DOC) for their personal information. In telephone calls from DOC, Amos
24 then instructed Lantau and Alana Shewell to use a particular website to steal these sex
25 offenders' identities. Amos told Lantau and both Shewells that they needed to do this so
26 that he could make telephone accounts under their name so he would not have to
27 spend money to use the phones at DOC. The Shewells did not follow through on Amos'
28 instructions and Lantau also failed to steal the offenders' identities as directed by Amos.

1 Amos contacted Kari Arndt who had an extra pound of marijuana from her own
2 lawful marijuana grow. Amos told Arndt that she was to give the pound of marijuana to
3 Lantau and instruct her to sell it so that she could make money. Amos then made
4 telephone calls where he instructed Lantau on how to deal oxycodone and tried to tell
5 her how to sell marijuana. Arndt did provide approximately a pound of marijuana to
6 Lantau for her to sell. Shortly thereafter, Lantau was contacted by law enforcement (but
7 not yet arrested) and the marijuana was seized by the Centralia Police Department.

8 Amos subsequently made telephone calls to a female associate named Courtney
9 Meek and told her and Lantau that Meek was going to forge her marijuana prescription
10 to try and get the marijuana back from the police department. Amos told Meek that once
11 they got the marijuana back using Meek's prescription Lantau was going to sell it.

12 After Amos learned about Jennifer Lantau's arrest in May of 2013 he became
13 suspicious of her and suspicious that she may be a state's witness. Accordingly, Amos
14 provided the passwords to Lantau's email and multiple social networking sites including
15 Facebook to his brother and had his brother seize her accounts. Amos indicated in
16 telephone calls and in a recent statement to law enforcement that he did this to
17 intimidate Lantau and to try and get dirt on her in case she became a witness.

18 The Department of Corrections and the Centralia Police Department have been
19 monitoring hundreds of Amos' telephone calls from inside DOC since the beginning of
20 2013. There are dozens of telephone calls where Amos explicitly, and using code,
21 directs more than three people to commit many more than three criminal acts.
22 Furthermore, Amos consistently reminds Jennifer Lantau that she needs to be working
23 at selling drugs because he needs money in prison to be able to stay safe and to buy
24 things that he wants. There are also records from the Department of Corrections which
25 indicate that Amos consistently received money from Lantau while he was in DOC.

26 Jennifer Lantau was arrested and incarcerated in the Lewis County Jail in May of
27 2013. During the summer of 2013, Amos' telephone calls to his friends and associates
28 indicated that he had become increasingly suspicious that he might be facing charges.
29 Amos began to speak in highly negative terms about Lantau and began to tell people
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1 that he could essentially bury her with the dirt he had. Amos also became concerned
2 about other potential witnesses in a case against him and continually attempted to try to
3 obtain information about what was happening on the outside.

4 Through their investigation, law enforcement learned that Amos has significant
5 ties to the State of Michigan and his biological mother actually lives there. In jail calls to
6 Lantau while in DOC, Amos and her talk about how he could flee to Michigan if he had
7 any charges and that he could not be extradited from that state.

8 On November 30, 2013, just two days before he was released from DOC, Forrest
9 Amos spoke with Clifford Amos and asked if Clifford had been monitoring Jennifer
10 Lantau's new Facebook account. Clifford stated that he had and Forrest then talked
11 about how he had all of Lantau's accounts. Forrest then tells Clifford to intimidate
12 Lantau and let her know that he has volumes of information on her and also tells Clifford
13 to contact Lantau tonight and make sure she gets a hold of him when he is released
14 from prison. Forrest then goes on to say that she better not lie to him about anything.
15 Just days earlier Forrest had told Clifford that he needs to reach out to Lantau and "get
16 inside her head". In addition to this attempt to contact witnesses to this case, members
17 of Lantau's family have also been contacted by Amos' associates and another witness
18 to this case has been contacted about Amos getting his property back from them;
19 however, law enforcement believes that Amos is using whatever tactics necessary to
20 contact all of the witnesses in the case.

21 On December 2, 2013, Amos was released from DOC and was arrested by the
22 Centralia Police Department just outside of prison.

23 The Defendant is being charged with Leading Organized Crime, RCW
24 9A.82.060(1)(a), Tampering with a Witness, RCW 9A.72.120, Computer Trespass in the
25 First Degree, RCW 9A.52.110, Possession of a Controlled Substance with Intent to
26 Deliver – Marijuana, RCW 69.50.401, Attempted Possession of a Controlled Substance
27 with Intent to Deliver – Marijuana, RCW 69.50.401 an 9A.28.020, Attempted Forgery,
28 RCW 9A.60.020 and 9A.28.020, three counts of Possession of a Controlled Substance
29 with Intent to Deliver – Oxycodone, RCW 69.50.401, four counts of Delivery of a
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1 Controlled Substance – Oxycodone, RCW 69.50.401, Identity Theft in the Second
2 Degree, RCW 9.35.020, Introducing Contraband in the Third Degree, RCW 9A.76.160,
3 and Attempted Theft in the Second Degree, RCW 9A.56.040 and 9A.28.020.

4 A check of JIS and a background check for Forrest Amos reveal the following:

5 Forrest Amos has felony convictions for VUCSA in 2011, Assault in the Second
6 Degree in 2004, Burglary in the First Degree, Robbery in the First Degree, Assault in
7 the Second Degree, Theft of a Firearm, and Unlawful Possession of a Firearm in the
8 First Degree all from 2000, Burglary in the Second Degree from 1999, Malicious
9 Mischief in the Second Degree from 1998, Possession of Stolen Property in the Second
10 Degree from 1997, and Burglary in the Second Degree from 1997. The Defendant has
11 four prior misdemeanor/gross misdemeanor convictions and three cases where
12 warrants have issued for his arrest.

13 The State is asking the Court to set bail at \$1,000,000. The Defendant is an
14 extreme risk to community safety and is also a very high flight risk. Mr. Amos has
15 essentially been engaged in criminal activity for his entire life. Amos has a history of
16 very violent criminal behavior as demonstrated by his beating of a random citizen when
17 he was young and shanking of a prison inmate while incarcerated. Amos created a
18 major drug dealing operation almost immediately after his last release from DOC and
19 was eventually dealing thousands of pills of Oxycodone within the community. Amos
20 was also able to develop a significant criminal network of people during this time.

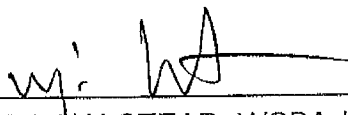
21 What is more troubling though, and why the Court should not believe that Amos
22 will ever curb his criminal behavior, is the fact that even after he was offered leniency for
23 cooperation as an informant, not only did he continue his criminal behavior during that
24 time, but he actually continued to engage in the exact same criminal behavior while
25 incarcerated. If the Defendant is willing to engage in the type of criminal behavior that
26 he did while in DOC, one has to wonder what he will be willing to do while he is on the
27 outside.

28 Perhaps most troubling is the danger Amos presents to the many witnesses in
29 this case. Through his telephone calls and based on his prior criminal history, it is clear
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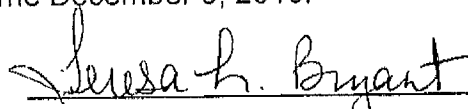
1 that Amos is willing to go to great lengths to tamper with and intimidate the witnesses in
2 the case. Amos has already been attempting to tamper with and intimidate Jennifer
3 Lantau and was giving instructions on how to do so as recently as last week.

4 Finally, the fact that Amos is facing a charge of Leading Organized Crime, a third
5 strike, and a lifetime of incarceration under the persistent offender statute makes him a
6 high flight risk. Additionally, Amos already indicated that he had a specific plan for
7 fleeing the state if he was facing charges.

8 Based on the above, the State requests that the suspect, FORREST EUGENE
9 AMOS, be detained subject to conditions of release.

10
11 
12 WILLIAM J. HALSTEAD, WSBA # 23838
13 Deputy Prosecuting Attorney
14

15 SUBSCRIBED and SWORN to before me December 3, 2013.

16
17 
18 Teresa L. Bryant, NOTARY PUBLIC in
19 And for the State of Washington,
20 Residing at Chehalis.
21 My commission expires 12/21/2014.
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Appendix D

Second Amended Information

Received & Filed
LEWIS COUNTY, WASH
Superior Court

JUL 18 2014

By Katny A. Brack, LWA
Deputy

83A

IN THE SUPERIOR COURT OF WASHINGTON IN AND
FOR LEWIS COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

FORREST EUGENE AMOS,

Defendant.

No.13-1-00818-6



ORIGINAL

SECOND AMENDED INFORMATION

COMES NOW JONATHAN L. MEYER, Prosecuting Attorney of Lewis County, State of Washington, or his deputy, and by this Amended Information accuses the above-named defendant of violating the laws of the State of Washington as follows:

Count I

LEADING ORGANIZED CRIME

On or about and between April 20, 2011 and December 2, 2013, in the County of Lewis, State of Washington, the above-named defendant did intentionally organize, manage, direct, supervise, or finance any three or more persons with the intent to engage in a pattern of criminal profiteering activity; contrary to the Revised Code of Washington 9A.82.060(1)(a).

AND FURTHERMORE, the defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

AND FURTHERMORE, the offense involved a high degree of sophistication or planning, contrary to RCW 9.94A.535(3)(m).

AND FURTHERMORE, the offense involved a destructive and foreseeable impact on persons other than the victim, contrary to RCW 9.94A.535(3)(r).

AND FURTHERMORE, the defendant committed the current offense shortly after being released from incarceration, contrary to RCW 9.94A.535(3)(t).

(MAXIMUM PENALTY—Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9A.82.060(2)(a) and 9A.20.021(1)(a), plus restitution and assessments.)

JIS Code: 9A.82.060.2A Organized Crime-Lead/Org/Mng

Count II

TAMPERING WITH A WITNESS

On or about and between May 1, 2013 and December 2, 2013, in the County of Lewis, State of Washington, the above-named defendant did attempt to induce Jennifer Lantau, a witness or person who the Defendant knew was a witness, or a person whom the Defendant had reason to believe was about to be called as a witness in an official proceeding, or a person whom the Defendant had reason to believe may have had information relevant to a criminal investigation, or a person whom the Defendant had reason to believe may have had information relevant to the abuse and neglect of a minor child, to (a) testify falsely or, without right or privilege to do so, to withhold any testimony, and/or (b) absent himself or herself from such proceedings, and/or (c) withhold from a law enforcement agency information which he or she has relevant to a criminal investigation or the abuse or neglect of a minor child to the agency; contrary to the Revised Code of Washington 9A.72.120.

AND FURTHERMORE, the defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

AND FURTHERMORE, the offense involved a high degree of sophistication or planning, contrary to RCW 9.94A.535(3)(m).

AND FURTHERMORE, the offense involved a destructive and foreseeable impact on persons other than the victim, contrary to RCW 9.94A.535(3)(r).

1 attempted or actual sale or transfer of controlled substances in quantities substantially
2 larger than for personal use; (v) The current offense involved a high degree of
3 sophistication or planning, occurred over a lengthy period of time, or involved a broad
4 geographic area of disbursement; contrary to RCW 9.94A.535(3)(e).

5 (MAXIMUM PENALTY—Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than
6 \$10,000 pursuant to RCW 69.50.401(2)(c) and RCW 69.50.430(1), plus restitution and assessments.)
7 (If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United
8 States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic
9 drugs, the maximum punishment shall be ten (10) years imprisonment and/or a fine of not less than
\$2,000 nor more than \$20,000 pursuant to RCW 69.50.401(2)(c) and RCW 69.50.408 and RCW
69.50.430, plus restitution and assessments.)

10 JIS Code: 69.50.401.2C Cont Subs Sched I/II/III

11
12 **Count IV**
13 **ATTEMPTED POSSESSION OF MARIJUANA WITH INTENT TO**
14 **MANUFACTURE OR DELIVER**

15 On or about and between April 1, 2013 and April 30, 2013, in the County of
16 Lewis, State of Washington, the above-named defendant did knowingly attempt to
17 possess, with intent to manufacture or deliver, a controlled substance, to-wit: marijuana;
18 contrary to the Revised Code of Washington 69.50.401(1), 69.50.401(2)(c) and
19 69.40.204(c)(14).

20 To COMMIT THIS CRIME, the defendant acted as a principal and/or as an
21 accomplice of another person; contrary to Revised Code of Washington
22 9A.08.020(2)(c).

23 To COMMIT THIS CRIME, the defendant, with intent to commit a specific crime, did
24 an act which is a substantial step toward the commission of that crime; contrary to
25 Revised Code of Washington 9A.28.020(1).

26 AND FURTHERMORE, the defendant has committed multiple current offenses and
27 the defendant's high offender score results in some of the current offenses going
28 unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].
29

AND FURTHERMORE, the offense involved a high degree of sophistication or planning, contrary to RCW 9.94A.535(3)(m).

AND FURTHERMORE, the offense involved a destructive and foreseeable impact on persons other than the victim, contrary to RCW 9.94A.535(3)(r).

AND FURTHERMORE, the defendant committed the current offense shortly after being released from incarceration, contrary to RCW 9.94A.535(3)(t).

AND FURTHERMORE, the current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition, based on the presence of any of the following factors: (i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; (ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; (v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; contrary to RCW 9.94A.535(3)(e).

(MAXIMUM PENALTY—Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than \$10,000 pursuant to RCW 69.50.401(2)(c) and RCW 69.50.430(1), plus restitution and assessments.)
(If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000 pursuant to RCW 69.50.401(2)(c) and RCW 69.50.408 and RCW 69.50.430, plus restitution and assessments.)

(MAXIMUM PENALTY-The maximum penalty for criminal attempt, criminal solicitation and criminal conspiracy is based upon the underlying crime that is charged, pursuant to RCW 9A.28.020(3), 9A.28.030(2), and 9A.28.040(3).)

JIS Code: 69.50.401.2C Cont Subs Sched I/II/III

Count V

DELIVERY OF MARIJUANA

On or about and between April 1, 2013 and April 23, 2013, in the County of Lewis, State of Washington, the above-named defendant did knowingly deliver a

1 controlled substance, to-wit: Marijuana; contrary to the Revised Code of Washington
2 69.50.401(1), 69.50.401(2)(c) and 69.50.204(c)(14).

3 **TO COMMIT THIS CRIME**, the defendant acted as a principal and/or as an
4 accomplice of another person; contrary to Revised Code of Washington
5 9A.08.020(2)(c).

6 **AND FURTHERMORE**, the defendant has committed multiple current offenses and
7 the defendant's high offender score results in some of the current offenses going
8 unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

9 **AND FURTHERMORE**, the offense involved a high degree of sophistication or
10 planning, contrary to RCW 9.94A.535(3)(m).

11 **AND FURTHERMORE**, the offense involved a destructive and foreseeable impact on
12 persons other than the victim, contrary to RCW 9.94A.535(3)(r).

13 **AND FURTHERMORE**, the defendant committed the current offense shortly after
14 being released from incarceration, contrary to RCW 9.94A.535(3)(t).

15 **AND FURTHERMORE**, the current offense was a major violation of the Uniform
16 Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in
17 controlled substances, which was more onerous than the typical offense of its statutory
18 definition, based on the presence of any of the following factors: (i) The current offense
19 involved at least three separate transactions in which controlled substances were sold,
20 transferred, or possessed with intent to do so; (ii) The current offense involved an
21 attempted or actual sale or transfer of controlled substances in quantities substantially
22 larger than for personal use; (v) The current offense involved a high degree of
23 sophistication or planning, occurred over a lengthy period of time, or involved a broad
24 geographic area of disbursement; contrary to RCW 9.94A.535(3)(e).

25 (MAXIMUM PENALTY—Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than
26 \$10,000.00 pursuant to RCW 69.50.401(2)(c) and RCW 69.50.430(1), plus restitution and assessments.)
27 (If the defendant has previously been convicted under chapter 69.50 RCW or any statute of the United
28 States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic
29 drugs, the maximum punishment shall be ten (10) years imprisonment and/or a fine of not less than
30 \$2,000 nor more than \$20,000 fine, pursuant to RCW 69.50.401(2)(c) and RCW 69.50.408 and RCW
69.50.430(2), plus restitution and assessments.)

JIS Code: 69.50.401.2C Cont Subs Sched I/II/III

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Count VI
FORGERY

On or about and between April 1, 2013 and April 30, 2013, in the County of Lewis, State of Washington, the above-named defendant, with intent to injure or defraud, did (a) falsely make, complete or alter a written instrument, and/or (b) did possess, utter, offer, dispose of, or put off as true a written instrument which defendant knew to be forged; contrary to the Revised Code of Washington 9A.60.020(1).

To COMMIT THIS CRIME, the defendant acted as a principal and/or as an accomplice of another person; contrary to Revised Code of Washington 9A.08.020(2)(c).

AND FURTHERMORE, the defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

AND FURTHERMORE, the offense involved a high degree of sophistication or planning, contrary to RCW 9.94A.535(3)(m).

AND FURTHERMORE, the offense involved a destructive and foreseeable impact on persons other than the victim, contrary to RCW 9.94A.535(3)(r).

AND FURTHERMORE, the defendant committed the current offense shortly after being released from incarceration, contrary to RCW 9.94A.535(3)(t).

(MAXIMUM PENALTY—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.60.020(3) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

JIS Code: 9A.60.020.1 Forgery

Count VII
DELIVERY OF A CONTROLLED SUBSTANCE (OXYCODONE)

On or about and between April 1, 2013 and April 30, 2013, in the County of Lewis, State of Washington, the above-named defendant did knowingly deliver a controlled substance, to-wit: Oxycodone, to Heather Calkins; contrary to the Revised Code of Washington 69.50.401(1) and 69.50.401(2)(a) or (b).

1 **TO COMMIT THIS CRIME**, the defendant acted as a principal and/or as an
2 accomplice of another person; contrary to Revised Code of Washington
3 9A.08.020(2)(c).

4 **AND FURTHERMORE**, the defendant has committed multiple current offenses and
5 the defendant's high offender score results in some of the current offenses going
6 unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

7 **AND FURTHERMORE**, the offense involved a high degree of sophistication or
8 planning, contrary to RCW 9.94A.535(3)(m).

9 **AND FURTHERMORE**, the offense involved a destructive and foreseeable impact on
10 persons other than the victim, contrary to RCW 9.94A.535(3)(r).

11 **AND FURTHERMORE**, the defendant committed the current offense shortly after
12 being released from incarceration, contrary to RCW 9.94A.535(3)(t).

13 **AND FURTHERMORE**, the current offense was a major violation of the Uniform
14 Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in
15 controlled substances, which was more onerous than the typical offense of its statutory
16 definition, based on the presence of any of the following factors: (i) The current offense
17 involved at least three separate transactions in which controlled substances were sold,
18 transferred, or possessed with intent to do so; (ii) The current offense involved an
19 attempted or actual sale or transfer of controlled substances in quantities substantially
20 larger than for personal use; (v) The current offense involved a high degree of
21 sophistication or planning, occurred over a lengthy period of time, or involved a broad
22 geographic area of disbursement; contrary to RCW 9.94A.535(3)(e).

23 (MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than
24 \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment
25 and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms pursuant to
RCW 69.50.401(2)(a) or (b) and RCW 69.50.430(1), plus restitution and assessments.)

26 (If the defendant has previously been convicted under chapter 69.50 RCW or any statute of the United
27 States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic
28 drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than
29 \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20)
30 years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2)
kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW
69.50.401(2)(a) or (b) and 69.50.408 and RCW 69.50.430, plus restitution and assessments.)

JIS Code: 69.50.401.2C Cont Subs Sched I/II/III

Count VIII

DELIVERY OF A CONTROLLED SUBSTANCE (OXYCODONE)

On or about and between April 1, 2013 and April 30, 2013, in the County of Lewis, State of Washington, the above-named defendant did knowingly deliver a controlled substance, to-wit: Oxycodone, to Zachary Amos; contrary to the Revised Code of Washington 69.50.401(1) and 69.50.401(2)(a) or (b).

To COMMIT THIS CRIME, the defendant acted as a principal and/or as an accomplice of another person; contrary to Revised Code of Washington 9A.08.020(2)(c).

AND FURTHERMORE, the defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

AND FURTHERMORE, the offense involved a high degree of sophistication or planning, contrary to RCW 9.94A.535(3)(m).

AND FURTHERMORE, the offense involved a destructive and foreseeable impact on persons other than the victim, contrary to RCW 9.94A.535(3)(r).

AND FURTHERMORE, the defendant committed the current offense shortly after being released from incarceration, contrary to RCW 9.94A.535(3)(t).

AND FURTHERMORE, the current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition, based on the presence of any of the following factors: (i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; (ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; (v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; contrary to RCW 9.94A.535(3)(e).

(MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment
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PROSECUTING ATTORNEY
345 W. Main Street, 2nd Floor
Chehalis, WA 98532
360-740-1240 (Voice) 360-740-1497 (Fax)

1 and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms pursuant to
2 RCW 69.50.401(2)(a) or (b) and RCW 69.50.430(1), plus restitution and assessments.)
3 (If the defendant has previously been convicted under chapter 69.50 RCW or any statute of the United
4 States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic
5 drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than
6 \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20)
7 years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2)
8 kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW
9 69.50.401(2)(a) or (b) and 69.50.408 and RCW 69.50.430, plus restitution and assessments.)

10 JIS Code: 69.50.401.2C Cont Subs Sched I/II/III

11 **Count IX**

12 **DELIVERY OF A CONTROLLED SUBSTANCE (OXYCODONE)**

13 On or about May 1, 2013, in the County of Lewis, State of Washington, the
14 above-named defendant did knowingly deliver a controlled substance, to-wit:
15 Oxycodone, to Jennifer Lantau; contrary to the Revised Code of Washington
16 69.50.401(1) and 69.50.401(2)(a) or (b).

17 To COMMIT THIS CRIME, the defendant acted as a principal and/or as an
18 accomplice of another person; contrary to Revised Code of Washington
19 9A.08.020(2)(c).

20 AND FURTHERMORE, the defendant has committed multiple current offenses and
21 the defendant's high offender score results in some of the current offenses going
22 unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

23 AND FURTHERMORE, the offense involved a high degree of sophistication or
24 planning, contrary to RCW 9.94A.535(3)(m).

25 AND FURTHERMORE, the offense involved a destructive and foreseeable impact on
26 persons other than the victim, contrary to RCW 9.94A.535(3)(r).

27 AND FURTHERMORE, the defendant committed the current offense shortly after
28 being released from incarceration, contrary to RCW 9.94A.535(3)(t).

29 AND FURTHERMORE, the current offense was a major violation of the Uniform
30 Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in
controlled substances, which was more onerous than the typical offense of its statutory

1 definition, based on the presence of any of the following factors: (i) The current offense
2 involved at least three separate transactions in which controlled substances were sold,
3 transferred, or possessed with intent to do so; (ii) The current offense involved an
4 attempted or actual sale or transfer of controlled substances in quantities substantially
5 larger than for personal use; (v) The current offense involved a high degree of
6 sophistication or planning, occurred over a lengthy period of time, or involved a broad
7 geographic area of disbursement; contrary to RCW 9.94A.535(3)(e).

8 (MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than
9 \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment
10 and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms pursuant to
11 RCW 69.50.401(2)(a) or (b) and RCW 69.50.430(1), plus restitution and assessments.)

12 (If the defendant has previously been convicted under chapter 69.50 RCW or any statute of the United
13 States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic
14 drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than
15 \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20)
16 years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2)
17 kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW
18 69.50.401(2)(a) or (b) and 69.50.408 and RCW 69.50.430, plus restitution and assessments.)

19 JIS Code: 69.50.401.2C Cont Subs Sched I/II/III

20 **Count X**

21 **DELIVERY OF A CONTROLLED SUBSTANCE (OXYCODONE)**

22 On or about May 1, 2013, in the County of Lewis, State of Washington, the
23 above-named defendant did knowingly deliver a controlled substance, to-wit:
24 Oxycodone, to Jennifer Lantau; contrary to the Revised Code of Washington
25 69.50.401(1) and 69.50.401(2)(a) or (b).

26 To COMMIT THIS CRIME, the defendant acted as a principal and/or as an
27 accomplice of another person; contrary to Revised Code of Washington
28 9A.08.020(2)(c).

29 AND FURTHERMORE, the defendant has committed multiple current offenses and
30 the defendant's high offender score results in some of the current offenses going
unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

AND FURTHERMORE, the offense involved a high degree of sophistication or planning, contrary to RCW 9.94A.535(3)(m).

AND FURTHERMORE, the offense involved a destructive and foreseeable impact on persons other than the victim, contrary to RCW 9.94A.535(3)(r).

AND FURTHERMORE, the defendant committed the current offense shortly after being released from incarceration, contrary to RCW 9.94A.535(3)(t).

AND FURTHERMORE, the current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition, based on the presence of any of the following factors: (i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; (ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; (v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; contrary to RCW 9.94A.535(3)(e).

(MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms pursuant to RCW 69.50.401(2)(a) or (b) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2) kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) or (b) and 69.50.408 and RCW 69.50.430, plus restitution and assessments.)

JIS Code: 69.50.401.2C Cont Subs Sched I/II/III

Count XI

POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO

MANUFACTURE OR DELIVER

On or about May 1, 2013, in the County of Lewis, State of Washington, the above-named defendant did possess, with intent to manufacture or deliver, a controlled substance.

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345 W. Main Street, 2nd Floor
Chehalis, WA 98532
360-740-1240 (Voice) 360-740-1497 (Fax)

1 substance, to-wit: Oxycodone; contrary to the Revised Code of Washington
2 69.50.401(1) and 69.50.401(2)(a).

3 **TO COMMIT THIS CRIME**, the defendant acted as a principal and/or as an
4 accomplice of another person; contrary to Revised Code of Washington
5 9A.08.020(2)(c).

6 **AND FURTHERMORE**, the defendant has committed multiple current offenses and
7 the defendant's high offender score results in some of the current offenses going
8 unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

9 **AND FURTHERMORE**, the offense involved a high degree of sophistication or
10 planning, contrary to RCW 9.94A.535(3)(m).

11 **AND FURTHERMORE**, the offense involved a destructive and foreseeable impact on
12 persons other than the victim, contrary to RCW 9.94A.535(3)(r).

13 **AND FURTHERMORE**, the defendant committed the current offense shortly after
14 being released from incarceration, contrary to RCW 9.94A.535(3)(t).

15 **AND FURTHERMORE**, the current offense was a major violation of the Uniform
16 Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in
17 controlled substances, which was more onerous than the typical offense of its statutory
18 definition, based on the presence of any of the following factors: (i) The current offense
19 involved at least three separate transactions in which controlled substances were sold,
20 transferred, or possessed with intent to do so; (ii) The current offense involved an
21 attempted or actual sale or transfer of controlled substances in quantities substantially
22 larger than for personal use; (v) The current offense involved a high degree of
23 sophistication or planning, occurred over a lengthy period of time, or involved a broad
24 geographic area of disbursement; contrary to RCW 9.94A.535(3)(e).

25 (MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than
26 \$25,000; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment
27 and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more
28 than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and RCW
29 69.50.430(1), plus restitution and assessments.)

30 (If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United
States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic
drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than
\$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20)

1 years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2)
2 kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW
3 69.50.401(2)(a) and 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

4 JIS Code: 69.50.401.2A Cont Subst Sched I/II-Narc/IV-FIn

5
6 **Count XII**
7 **POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO**
8 **MANUFACTURE OR DELIVER**

9 On or about May 1, 2013, in the County of Lewis, State of Washington, the
10 above-named defendant did possess, with intent to manufacture or deliver, a controlled
11 substance, to-wit: Oxycodone; contrary to the Revised Code of Washington
12 69.50.401(1) and 69.50.401(2)(a).

13 To COMMIT THIS CRIME, the defendant acted as a principal and/or as an
14 accomplice of another person; contrary to Revised Code of Washington
15 9A.08.020(2)(c).

16 AND FURTHERMORE, the defendant has committed multiple current offenses and
17 the defendant's high offender score results in some of the current offenses going
18 unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

19 AND FURTHERMORE, the offense involved a high degree of sophistication or
20 planning, contrary to RCW 9.94A.535(3)(m).

21 AND FURTHERMORE, the offense involved a destructive and foreseeable impact on
22 persons other than the victim, contrary to RCW 9.94A.535(3)(r).

23 AND FURTHERMORE, the defendant committed the current offense shortly after
24 being released from incarceration, contrary to RCW 9.94A.535(3)(t).

25 AND FURTHERMORE, the current offense was a major violation of the Uniform
26 Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in
27 controlled substances, which was more onerous than the typical offense of its statutory
28 definition, based on the presence of any of the following factors: (i) The current offense
29 involved at least three separate transactions in which controlled substances were sold,
30 transferred, or possessed with intent to do so; (ii) The current offense involved an

1 attempted or actual sale or transfer of controlled substances in quantities substantially
2 larger than for personal use; (v) The current offense involved a high degree of
3 sophistication or planning, occurred over a lengthy period of time, or involved a broad
4 geographic area of disbursement; contrary to RCW 9.94A.535(3)(e).

5 (MAXIMUM PENALTY--Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than
6 \$25,000; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment
7 and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more
8 than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and RCW
9 69.50.430(1), plus restitution and assessments.)

10 (If the defendant has previously been convicted under Chapter 69:50 RCW or any statute of the United
11 States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic
12 drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than
13 \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20)
14 years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2)
15 kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW
16 69.50.401(2)(a) and 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

17 JIS Code: 69.50.401.2A Cont Subst Sched I/II-Narc/IV-Fln

18 **Count XIII**

19 **ATTEMPTED POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO**
20 **MANUFACTURE OR DELIVER**

21 On or about May 2, 2013, in the County of Lewis, State of Washington, the
22 above-named defendant did knowingly attempt to possess, with intent to manufacture or
23 deliver, a controlled substance, to-wit: Oxycodone; contrary to the Revised Code of
24 Washington 69.50.401(1) and 69.50.401(2)(a).

25 **TO COMMIT THIS CRIME**, the defendant, with intent to commit a specific crime, did
26 an act which is a substantial step toward the commission of that crime; contrary to
27 Revised Code of Washington 9A.28.020(1).

28 **AND FURTHERMORE**, the defendant has committed multiple current offenses and
29 the defendant's high offender score results in some of the current offenses going
30 unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

AND FURTHERMORE, the offense involved a high degree of sophistication or
planning, contrary to RCW 9.94A.535(3)(m).

1 AND FURTHERMORE, the offense involved a destructive and foreseeable impact on
2 persons other than the victim, contrary to RCW 9.94A.535(3)(r).

3 AND FURTHERMORE, the defendant committed the current offense shortly after
4 being released from incarceration, contrary to RCW 9.94A.535(3)(t).

5 AND FURTHERMORE, the current offense was a major violation of the Uniform
6 Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in
7 controlled substances, which was more onerous than the typical offense of its statutory
8 definition, based on the presence of any of the following factors: (i) The current offense
9 involved at least three separate transactions in which controlled substances were sold,
10 transferred, or possessed with intent to do so; (ii) The current offense involved an
11 attempted or actual sale or transfer of controlled substances in quantities substantially
12 larger than for personal use; (v) The current offense involved a high degree of
13 sophistication or planning, occurred over a lengthy period of time, or involved a broad
14 geographic area of disbursement; contrary to RCW 9.94A.535(3)(e).

15 (MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than
16 \$25,000; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment
17 and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more
18 than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and RCW
19 69.50.430(1), plus restitution and assessments.)

20 (If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United
21 States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic
22 drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than
23 \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20)
24 years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2)
25 kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW
26 69.50.401(2)(a) and 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

27 (MAXIMUM PENALTY—The maximum penalty for criminal attempt, criminal solicitation and criminal
28 conspiracy is based upon the underlying crime that is charged, pursuant to RCW 9A.28.020(3),
29 9A.28.030(2), and 9A.28.040(3).)

30 JIS Code: 69.50.401.2ACont Subst Sched I/II-Narc/IV-Fln

Count XIV

DELIVERY OF A CONTROLLED SUBSTANCE (OXYCODONE)

On or about and between April 3, 2013 and December 31, 2013, in the County of
Lewis, State of Washington, the above-named defendant did knowingly deliver a

1 controlled substance, to-wit: Oxycodone; contrary to the Revised Code of Washington
2 69.50.401(1) and 69.50.401(2)(a) or (b).

3 **TO COMMIT THIS CRIME**, the defendant acted as a principal and/or as an
4 accomplice of another person; contrary to Revised Code of Washington
5 9A.08.020(2)(c).

6 **AND FURTHERMORE**, the defendant has committed multiple current offenses and
7 the defendant's high offender score results in some of the current offenses going
8 unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

9 **AND FURTHERMORE**, the offense involved a high degree of sophistication or
10 planning, contrary to RCW 9.94A.535(3)(m).

11 **AND FURTHERMORE**, the offense involved a destructive and foreseeable impact on
12 persons other than the victim, contrary to RCW 9.94A.535(3)(r).

13 **AND FURTHERMORE**, the defendant committed the current offense shortly after
14 being released from incarceration, contrary to RCW 9.94A.535(3)(t).

15 **AND FURTHERMORE**, the current offense was a major violation of the Uniform
16 Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in
17 controlled substances, which was more onerous than the typical offense of its statutory
18 definition, based on the presence of any of the following factors: (i) The current offense
19 involved at least three separate transactions in which controlled substances were sold,
20 transferred, or possessed with intent to do so; (ii) The current offense involved an
21 attempted or actual sale or transfer of controlled substances in quantities substantially
22 larger than for personal use; (v) The current offense involved a high degree of
23 sophistication or planning, occurred over a lengthy period of time, or involved a broad
24 geographic area of disbursement; contrary to RCW 9.94A.535(3)(e).

25 (MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than
26 \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment
27 and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms pursuant to
28 RCW 69.50.401(2)(a) or (b) and RCW 69.50.430(1), plus restitution and assessments.)

29 (If the defendant has previously been convicted under chapter 69.50 RCW or any statute of the United
30 States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic
drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than
\$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20)
years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2)

1 kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW
2 69.50.401(2)(a) or (b) and 69.50.408 and RCW 69.50.430, plus restitution and assessments.)

3 JIS Code: 69.50.401.2C Cont Subs Sched I/II/III
4

5 **Count XV**

6 **DELIVERY OF A CONTROLLED SUBSTANCE (OXYCODONE)**

7 On or about and between April 3, 2013 and December 31, 2013, in the County of
8 Lewis, State of Washington, the above-named defendant did knowingly deliver a
9 controlled substance, to-wit: Oxycodone; contrary to the Revised Code of Washington
10 69.50.401(1) and 69.50.401(2)(a) or (b).

11 To COMMIT THIS CRIME, the defendant acted as a principal and/or as an
12 accomplice of another person; contrary to Revised Code of Washington
13 9A.08.020(2)(c).

14 AND FURTHERMORE, the defendant has committed multiple current offenses and
15 the defendant's high offender score results in some of the current offenses going
16 unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

17 AND FURTHERMORE, the offense involved a high degree of sophistication or
18 planning, contrary to RCW 9.94A.535(3)(m).

19 AND FURTHERMORE, the offense involved a destructive and foreseeable impact on
20 persons other than the victim, contrary to RCW 9.94A.535(3)(r).

21 AND FURTHERMORE, the defendant committed the current offense shortly after
22 being released from incarceration, contrary to RCW 9.94A.535(3)(t).

23 AND FURTHERMORE, the current offense was a major violation of the Uniform
24 Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in
25 controlled substances, which was more onerous than the typical offense of its statutory
26 definition, based on the presence of any of the following factors: (i) The current offense
27 involved at least three separate transactions in which controlled substances were sold,
28 transferred, or possessed with intent to do so; (ii) The current offense involved an
29 attempted or actual sale or transfer of controlled substances in quantities substantially
30

larger than for personal use; (v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; contrary to RCW 9.94A.535(3)(e).

(MAXIMUM PENALTY--Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms pursuant to RCW 69.50.401(2)(a) or (b) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2) kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) or (b) and 69.50.408 and RCW 69.50.430, plus restitution and assessments.)

JIS Code: 69.50.401.2C Cont Subs Sched I/II/III

Count XVI

IDENTITY THEFT IN THE SECOND DEGREE

On or about and between January 23, 2013 and December 31, 2013, in the County of Lewis, State of Washington, the above-named defendant did knowingly obtain, possess, use, or transfer a means of identification or financial information of another person: to wit, Jacob Oneal, living or dead, with the intent to commit, or to aid or abet, any crime; contrary to the Revised Code of Washington 9.35.020(1) and (3).

To COMMIT THIS CRIME, the defendant acted as a principal and/or as an accomplice of another person; contrary to Revised Code of Washington 9A.08.020(2)(c).

AND FURTHERMORE, the defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

AND FURTHERMORE, the offense involved a high degree of sophistication or planning, contrary to RCW 9.94A.535(3)(m).

AND FURTHERMORE, the offense involved a destructive and foreseeable impact on persons other than the victim, contrary to RCW 9.94A.535(3)(r).

JIS Code: 9.35.020.3 Identity Theft-2

Count XVIII
IDENTITY THEFT IN THE SECOND DEGREE

On or about and between January 23, 2013 and December 31, 2013, in the County of Lewis, State of Washington, the above-named defendant did knowingly obtain, possess, use, or transfer a means of identification or financial information of another person: to wit, Morgan Bluehorse, living or dead, with the intent to commit, or to aid or abet, any crime; contrary to the Revised Code of Washington 9.35.020(1) and (3).

To COMMIT THIS CRIME, the defendant acted as a principal and/or as an accomplice of another person; contrary to Revised Code of Washington 9A.08.020(2)(c).

AND FURTHERMORE, the defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

AND FURTHERMORE, the offense involved a high degree of sophistication or planning, contrary to RCW 9.94A.535(3)(m).

AND FURTHERMORE, the offense involved a destructive and foreseeable impact on persons other than the victim, contrary to RCW 9.94A.535(3)(r).

AND FURTHERMORE, the defendant committed the current offense shortly after being released from incarceration, contrary to RCW 9.94A.535(3)(t).

(MAXIMUM PENALTY—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9.35.020(3) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

(ADDITIONAL CIVIL PENALTY—A person who violates this section is liable for civil damages of one thousand dollars or actual damages, whichever is greater, including costs to repair the victim's credit record, and reasonable attorneys' fees as determined by the court, pursuant to RCW 9.35.020(4))

JIS Code: 9.35.020.3 Identity Theft-2

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Count XIX
IDENTITY THEFT IN THE SECOND DEGREE

On or about and between January 23, 2013 and December 31, 2013, in the County of Lewis, State of Washington, the above-named defendant did knowingly obtain, possess, use, or transfer a means of identification or financial information of another person: to wit, Derric Standingcrow, living or dead, with the intent to commit, or to aid or abet, any crime; contrary to the Revised Code of Washington 9.35.020(1) and (3).

To COMMIT THIS CRIME, the defendant acted as a principal and/or as an accomplice of another person; contrary to Revised Code of Washington 9A.08.020(2)(c).

AND FURTHERMORE, the defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

AND FURTHERMORE, the offense involved a high degree of sophistication or planning, contrary to RCW 9.94A.535(3)(m).

AND FURTHERMORE, the offense involved a destructive and foreseeable impact on persons other than the victim, contrary to RCW 9.94A.535(3)(r).

AND FURTHERMORE, the defendant committed the current offense shortly after being released from incarceration, contrary to RCW 9.94A.535(3)(t).

(MAXIMUM PENALTY—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9.35.020(3) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

(ADDITIONAL CIVIL PENALTY—A person who violates this section is liable for civil damages of one thousand dollars or actual damages, whichever is greater, including costs to repair the victim's credit record, and reasonable attorneys' fees as determined by the court, pursuant to RCW 9.35.020(4))

JIS Code: 9.35.020.3 Identity Theft-2

Count XX
OBTAIN LEGEND DRUG BY FRAND

On or about and between January 1, 2012 and December 31, 2012, in the County of Lewis, State of Washington, the above-named defendant did obtain or

1 attempt to obtain a legend drug or did procure or attempt to procure the administration
2 of a legend drug, by fraud, deceit, misrepresentation, or subterfuge and/or by forgery or
3 alteration of a prescription or any written order and/or by the concealment of a material
4 fact and/or by the use of a false name or the giving of a false address; contrary to
5 Revised Code of Washington 69.41.020(1).

6 **TO COMMIT THIS CRIME**, the defendant acted as a principal and/or as an
7 accomplice of another person; contrary to Revised Code of Washington
8 9A.08.020(2)(c).

9 **AND FURTHERMORE**, the defendant has committed multiple current offenses and
10 the defendant's high offender score results in some of the current offenses going
11 unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

12 **AND FURTHERMORE**, the offense involved a high degree of sophistication or
13 planning, contrary to RCW 9.94A.535(3)(m).

14 **AND FURTHERMORE**, the offense involved a destructive and foreseeable impact on
15 persons other than the victim, contrary to RCW 9.94A.535(3)(r).

16 **AND FURTHERMORE**, the defendant committed the current offense shortly after
17 being released from incarceration, contrary to RCW 9.94A.535(3)(t).

18 **AND FURTHERMORE**, the current offense was a major violation of the Uniform
19 Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in
20 controlled substances, which was more onerous than the typical offense of its statutory
21 definition, based on the presence of any of the following factors: (i) The current offense
22 involved at least three separate transactions in which controlled substances were sold,
23 transferred, or possessed with intent to do so; (ii) The current offense involved an
24 attempted or actual sale or transfer of controlled substances in quantities substantially
25 larger than for personal use; (v) The current offense involved a high degree of
26 sophistication or planning, occurred over a lengthy period of time, or involved a broad
27 geographic area of disbursement; contrary to RCW 9.94A.535(3)(e).

28 (Maximum Penalty-Ten (10) years imprisonment and/or a \$20,000 fine, pursuant to RCW 69.41.020(8)
29 and RCW 9.92.010, plus restitution, assessments and court costs.)

30 JIS Code: 69.41.020 (1) Obtain Legend Drug By Fraud

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2 **Count XXI**
3 **POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO**
4 **MANUFACTURE OR DELIVER**

5 On or about and between January 1, 2012 and December 31, 2013, in the
6 County of Lewis, State of Washington, the above-named defendant did possess, with
7 intent to manufacture or deliver, a controlled substance, to-wit: Oxycodone, received
8 from Katherine Miles; contrary to the Revised Code of Washington 69.50.401(1) and
9 69.50.401(2)(a).

10 To COMMIT THIS CRIME, the defendant acted as a principal and/or as an
11 accomplice of another person; contrary to Revised Code of Washington
12 9A.08.020(2)(c).

13 AND FURTHERMORE, the defendant has committed multiple current offenses and
14 the defendant's high offender score results in some of the current offenses going
15 unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

16 AND FURTHERMORE, the offense involved a high degree of sophistication or
17 planning, contrary to RCW 9.94A.535(3)(m).

18 AND FURTHERMORE, the offense involved a destructive and foreseeable impact on
19 persons other than the victim, contrary to RCW 9.94A.535(3)(r).

20 AND FURTHERMORE, the defendant committed the current offense shortly after
21 being released from incarceration, contrary to RCW 9.94A.535(3)(t).

22 AND FURTHERMORE, the current offense was a major violation of the Uniform
23 Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in
24 controlled substances, which was more onerous than the typical offense of its statutory
25 definition, based on the presence of any of the following factors: (i) The current offense
26 involved at least three separate transactions in which controlled substances were sold,
27 transferred, or possessed with intent to do so; (ii) The current offense involved an
28 attempted or actual sale or transfer of controlled substances in quantities substantially
29 larger than for personal use; (v) The current offense involved a high degree of
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sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; contrary to RCW 9.94A.535(3)(e).

(MAXIMUM PENALTY--Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$25,000; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2) kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

JIS Code: 69.50.401.2ACont Subst Sched I/II-Narc/IV-Fln

Count XXII

DELIVERY OF A CONTROLLED SUBSTANCE

On or about and between January 1, 2012 and December 31, 2012, in the County of Lewis, State of Washington, the above-named defendant did knowingly deliver a controlled substance, to-wit: Oxycodone, from Heather Calkins; contrary to the Revised Code of Washington 69.50.401(1) and 69.50.401(2)(a) or (b).

TO COMMIT THIS CRIME, the defendant acted as a principal and/or as an accomplice of another person; contrary to Revised Code of Washington 9A.08.020(2)(c).

AND FURTHERMORE, the defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

AND FURTHERMORE, the offense involved a high degree of sophistication or planning, contrary to RCW 9.94A.535(3)(m).

AND FURTHERMORE, the offense involved a destructive and foreseeable impact on persons other than the victim, contrary to RCW 9.94A.535(3)(r).

AND FURTHERMORE, the defendant committed the current offense shortly after being released from incarceration, contrary to RCW 9.94A.535(3)(t).

1 **AND FURTHERMORE**, the defendant has committed multiple current offenses and
2 the defendant's high offender score results in some of the current offenses going
3 unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

4 **AND FURTHERMORE**, the offense involved a high degree of sophistication or
5 planning, contrary to RCW 9.94A.535(3)(m).

6 **AND FURTHERMORE**, the offense involved a destructive and foreseeable impact on
7 persons other than the victim, contrary to RCW 9.94A.535(3)(r).

8 **AND FURTHERMORE**, the defendant committed the current offense shortly after
9 being released from incarceration, contrary to RCW 9.94A.535(3)(t).

10 **AND FURTHERMORE**, the current offense was a major violation of the Uniform
11 Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in
12 controlled substances, which was more onerous than the typical offense of its statutory
13 definition, based on the presence of any of the following factors: (i) The current offense
14 involved at least three separate transactions in which controlled substances were sold,
15 transferred, or possessed with intent to do so; (ii) The current offense involved an
16 attempted or actual sale or transfer of controlled substances in quantities substantially
17 larger than for personal use; (v) The current offense involved a high degree of
18 sophistication or planning, occurred over a lengthy period of time, or involved a broad
19 geographic area of disbursement; contrary to RCW 9.94A.535(3)(e).

20 (MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than
21 \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment
22 and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms pursuant to
RCW 69.50.401(2)(a) or (b) and RCW 69.50.430(1), plus restitution and assessments.)

23 (If the defendant has previously been convicted under chapter 69.50 RCW or any statute of the United
24 States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic
25 drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than
26 \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20)
years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2)
kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW
69.50.401(2)(a) or (b) and 69.50.408 and RCW 69.50.430, plus restitution and assessments.)

27 JIS Code: 69.50.401.2C Cont Subs Sched I/II/III
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Count XXIV

DELIVERY OF A CONTROLLED SUBSTANCE

On or about and between January 1, 2012 and December 31, 2012, in the County of Lewis, State of Washington, the above-named defendant did knowingly deliver a controlled substance, to-wit: Oxycodone, to Kari Arndt; contrary to the Revised Code of Washington 69.50.401(1) and 69.50.401(2)(a) or (b).

AND FURTHERMORE, the defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

AND FURTHERMORE, the offense involved a high degree of sophistication or planning, contrary to RCW 9.94A.535(3)(m).

AND FURTHERMORE, the offense involved a destructive and foreseeable impact on persons other than the victim, contrary to RCW 9.94A.535(3)(r).

AND FURTHERMORE, the defendant committed the current offense shortly after being released from incarceration, contrary to RCW 9.94A.535(3)(t).

AND FURTHERMORE, the current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition, based on the presence of any of the following factors: (i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; (ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; (v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; contrary to RCW 9.94A.535(3)(e).

(MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms pursuant to RCW 69.50.401(2)(a) or (b) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than

1 \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20)
2 years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2)
3 kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW
69.50.401(2)(a) or (b) and 69.50.408 and RCW 69.50.430, plus restitution and assessments.)

4 JIS Code: 69.50.401.2C Cont Subs Sched I/II/III

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6 **Count XXV**
7 **POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO MANUFACTURE**
8 **OR DELIVER**

9 On or about and between April 20, 2011 and December 31, 2012, in the County
10 of Lewis, State of Washington, the above-named defendant did possess, with intent to
11 manufacture or deliver, a controlled substance, to-wit: Oxycodone, received from Ryan
12 Shewell's prescriptions; contrary to the Revised Code of Washington 69.50.401(1) and
13 69.50.401(2)(a).

14 **AND FURTHERMORE**, the defendant has committed multiple current offenses and
15 the defendant's high offender score results in some of the current offenses going
16 unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

17 **AND FURTHERMORE**, the offense involved a high degree of sophistication or
18 planning, contrary to RCW 9.94A.535(3)(m).

19 **AND FURTHERMORE**, the offense involved a destructive and foreseeable impact on
20 persons other than the victim, contrary to RCW 9.94A.535(3)(r).

21 **AND FURTHERMORE**, the defendant committed the current offense shortly after
22 being released from incarceration, contrary to RCW 9.94A.535(3)(t).

23 **AND FURTHERMORE**, the current offense was a major violation of the Uniform
24 Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in
25 controlled substances, which was more onerous than the typical offense of its statutory
26 definition, based on the presence of any of the following factors: (i) The current offense
27 involved at least three separate transactions in which controlled substances were sold,
28 transferred, or possessed with intent to do so; (ii) The current offense involved an
29 attempted or actual sale or transfer of controlled substances in quantities substantially

larger than for personal use; (v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; contrary to RCW 9.94A.535(3)(e).

(MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$25,000; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2) kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

JIS Code: 69.50.401.2A Cont Subst Sched I/II-Narc/IV-Fln

Count XXVI
POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO
MANUFACTURE OR DELIVER

On or about and between April 20, 2011 and December 31, 2012, in the County of Lewis, State of Washington, the above-named defendant did possess, with intent to manufacture or deliver, a controlled substance, to-wit: Oxycodone, received from Ryan Shewell's prescriptions; contrary to the Revised Code of Washington 69.50.401(1) and 69.50.401(2)(a).

AND FURTHERMORE, the defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

AND FURTHERMORE, the offense involved a high degree of sophistication or planning, contrary to RCW 9.94A.535(3)(m).

AND FURTHERMORE, the offense involved a destructive and foreseeable impact on persons other than the victim, contrary to RCW 9.94A.535(3)(r).

AND FURTHERMORE, the defendant committed the current offense shortly after being released from incarceration, contrary to RCW 9.94A.535(3)(t).

AND FURTHERMORE, the current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition, based on the presence of any of the following factors: (i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; (ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; (v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; contrary to RCW 9.94A.535(3)(e).

(MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$25,000; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2) kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

JIS Code: 69.50.401.2A Cont Subst Sched I/II-Narc/IV-Fln

Count XXVII
POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO
MANUFACTURE OR DELIVER

On or about and between April 20, 2011 and December 31, 2012, in the County of Lewis, State of Washington, the above-named defendant did possess, with intent to manufacture or deliver, a controlled substance, to-wit: Oxycodone, received from Ryan Shewell's prescriptions; contrary to the Revised Code of Washington 69.50.401(1) and 69.50.401(2)(a).

1 **AND FURTHERMORE**, the defendant has committed multiple current offenses and
2 the defendant's high offender score results in some of the current offenses going
3 unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

4 **AND FURTHERMORE**, the offense involved a high degree of sophistication or
5 planning, contrary to RCW 9.94A.535(3)(m).

6 **AND FURTHERMORE**, the offense involved a destructive and foreseeable impact on
7 persons other than the victim, contrary to RCW 9.94A.535(3)(r).

8 **AND FURTHERMORE**, the defendant committed the current offense shortly after
9 being released from incarceration, contrary to RCW 9.94A.535(3)(t).

10 **AND FURTHERMORE**, the current offense was a major violation of the Uniform
11 Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in
12 controlled substances, which was more onerous than the typical offense of its statutory
13 definition, based on the presence of any of the following factors: (i) The current offense
14 involved at least three separate transactions in which controlled substances were sold,
15 transferred, or possessed with intent to do so; (ii) The current offense involved an
16 attempted or actual sale or transfer of controlled substances in quantities substantially
17 larger than for personal use; (v) The current offense involved a high degree of
18 sophistication or planning, occurred over a lengthy period of time, or involved a broad
19 geographic area of disbursement; contrary to RCW 9.94A.535(3)(e).

20 (MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than
21 \$25,000; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment
22 and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more
23 than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and RCW
24 69.50.430(1), plus restitution and assessments.)

25 (If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United
26 States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic
27 drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than
28 \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20)
29 years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2)
30 kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW
69.50.401(2)(a) and 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

JIS Code: 69.50.401.2A Cont Subst Sched I/II-Narc/IV-Fin

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2 **Count XXVIII**
3 **POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO**
4 **MANUFACTURE OR DELIVER**

5 On or about and between April 20, 2011 and December 31, 2012, in the County
6 of Lewis, State of Washington, the above-named defendant did possess, with intent to
7 manufacture or deliver, a controlled substance, to-wit: Oxycodone, received from Ryan
8 Shewell's prescriptions; contrary to the Revised Code of Washington 69.50.401(1) and
9 69.50.401(2)(a).

10 **AND FURTHERMORE**, the defendant has committed multiple current offenses and
11 the defendant's high offender score results in some of the current offenses going
12 unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

13 **AND FURTHERMORE**, the offense involved a high degree of sophistication or
14 planning, contrary to RCW 9.94A.535(3)(m).

15 **AND FURTHERMORE**, the offense involved a destructive and foreseeable impact on
16 persons other than the victim, contrary to RCW 9.94A.535(3)(r).

17 **AND FURTHERMORE**, the defendant committed the current offense shortly after
18 being released from incarceration, contrary to RCW 9.94A.535(3)(t).

19 **AND FURTHERMORE**, the current offense was a major violation of the Uniform
20 Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in
21 controlled substances, which was more onerous than the typical offense of its statutory
22 definition, based on the presence of any of the following factors: (i) The current offense
23 involved at least three separate transactions in which controlled substances were sold,
24 transferred, or possessed with intent to do so; (ii) The current offense involved an
25 attempted or actual sale or transfer of controlled substances in quantities substantially
26 larger than for personal use; (v) The current offense involved a high degree of
27 sophistication or planning, occurred over a lengthy period of time, or involved a broad
28 geographic area of disbursement; contrary to RCW 9.94A.535(3)(e).

29 (MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than
30 \$25,000; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment
and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more

1 than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and RCW
2 69.50.430(1), plus restitution and assessments.)

3 (If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United
4 States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic
5 drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than
6 \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20)
7 years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2)
8 kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW
9 69.50.401(2)(a) and 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

10 JIS Code: 69.50.401.2A Cont Subst Sched I/II-Narc/IV-FIn

11 **Count XXIX**
12 **POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO**
13 **MANUFACTURE OR DELIVER**

14 On or about and between April 20, 2011 and December 31, 2012, in the County
15 of Lewis, State of Washington, the above-named defendant did possess, with intent to
16 manufacture or deliver, a controlled substance, to-wit: Oxycodone, received from Ryan
17 Shewell's prescriptions; contrary to the Revised Code of Washington 69.50.401(1) and
18 69.50.401(2)(a).

19 **AND FURTHERMORE**, the defendant has committed multiple current offenses and
20 the defendant's high offender score results in some of the current offenses going
21 unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

22 **AND FURTHERMORE**, the offense involved a high degree of sophistication or
23 planning, contrary to RCW 9.94A.535(3)(m).

24 **AND FURTHERMORE**, the offense involved a destructive and foreseeable impact on
25 persons other than the victim, contrary to RCW 9.94A.535(3)(r).

26 **AND FURTHERMORE**, the defendant committed the current offense shortly after
27 being released from incarceration, contrary to RCW 9.94A.535(3)(t).

28 **AND FURTHERMORE**, the current offense was a major violation of the Uniform
29 Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in
30 controlled substances, which was more onerous than the typical offense of its statutory
definition, based on the presence of any of the following factors: (i) The current offense
involved at least three separate transactions in which controlled substances were sold,

1 transferred, or possessed with intent to do so; (ii) The current offense involved an
2 attempted or actual sale or transfer of controlled substances in quantities substantially
3 larger than for personal use; (v) The current offense involved a high degree of
4 sophistication or planning, occurred over a lengthy period of time, or involved a broad
5 geographic area of disbursement; contrary to RCW 9.94A.535(3)(e).

6 (MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than
7 \$25,000; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment
8 and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more
9 than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and RCW
10 69.50.430(1), plus restitution and assessments.)

11 (If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United
12 States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic
13 drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than
14 \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20)
15 years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2)
16 kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW
17 69.50.401(2)(a) and 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

18 JIS Code: 69.50.401.2A Cont Subst Sched I/II-Narc/IV-Fln

19
20 **Count XXX**
21 **POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO**
22 **MANUFACTURE OR DELIVER**

23 On or about and between April 20, 2011 and December 31, 2012, in the County
24 of Lewis, State of Washington, the above-named defendant did possess, with intent to
25 manufacture or deliver, a controlled substance, to-wit: Oxycodone, received from Ryan
26 Shewell's prescriptions; contrary to the Revised Code of Washington 69.50.401(1) and
27 69.50.401(2)(a).

28 **AND FURTHERMORE**, the defendant has committed multiple current offenses and
29 the defendant's high offender score results in some of the current offenses going
30 unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

AND FURTHERMORE, the offense involved a high degree of sophistication or
planning, contrary to RCW 9.94A.535(3)(m).

AND FURTHERMORE, the offense involved a destructive and foreseeable impact on
persons other than the victim, contrary to RCW 9.94A.535(3)(r).

AND FURTHERMORE, the defendant committed the current offense shortly after being released from incarceration, contrary to RCW 9.94A.535(3)(t).

AND FURTHERMORE, the current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition, based on the presence of any of the following factors: (i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; (ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; (v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; contrary to RCW 9.94A.535(3)(e).

(MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$25,000; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2) kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

JIS Code: 69.50.401.2A Cont Subst Sched I/II-Narc/IV-FIn

Count XXXI
POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO
MANUFACTURE OR DELIVER

On or about and between April 20, 2011 and December 31, 2012, in the County of Lewis, State of Washington, the above-named defendant did possess, with intent to manufacture or deliver, a controlled substance, to-wit: Oxycodone, received from Ryan Shewell's prescriptions; contrary to the Revised Code of Washington 69.50.401(1) and 69.50.401(2)(a).

1 **AND FURTHERMORE**, the defendant has committed multiple current offenses and
2 the defendant's high offender score results in some of the current offenses going
3 unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

4 **AND FURTHERMORE**, the offense involved a high degree of sophistication or
5 planning, contrary to RCW 9.94A.535(3)(m).

6 **AND FURTHERMORE**, the offense involved a destructive and foreseeable impact on
7 persons other than the victim, contrary to RCW 9.94A.535(3)(r).

8 **AND FURTHERMORE**, the defendant committed the current offense shortly after
9 being released from incarceration, contrary to RCW 9.94A.535(3)(t).

10 **AND FURTHERMORE**, the current offense was a major violation of the Uniform
11 Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in
12 controlled substances, which was more onerous than the typical offense of its statutory
13 definition, based on the presence of any of the following factors: (i) The current offense
14 involved at least three separate transactions in which controlled substances were sold,
15 transferred, or possessed with intent to do so; (ii) The current offense involved an
16 attempted or actual sale or transfer of controlled substances in quantities substantially
17 larger than for personal use; (v) The current offense involved a high degree of
18 sophistication or planning, occurred over a lengthy period of time, or involved a broad
19 geographic area of disbursement; contrary to RCW 9.94A.535(3)(e).

20 (MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than
21 \$25,000; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment
22 and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more
23 than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and RCW
24 69.50.430(1), plus restitution and assessments.)

25 (If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United
26 States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic
27 drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than
28 \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20)
29 years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2)
30 kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW
69.50.401(2)(a) and 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

JIS Code: 69.50.401.2A Cont Subst Sched I/II-Narc/IV-Fln

1
2 **Count XXXII**
3 **POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO**
4 **MANUFACTURE OR DELIVER**

5 On or about and between April 20, 2011 and December 31, 2012, in the County
6 of Lewis, State of Washington, the above-named defendant did possess, with intent to
7 manufacture or deliver, a controlled substance, to-wit: Oxycodone, received from Ryan
8 Shewell's prescriptions; contrary to the Revised Code of Washington 69.50.401(1) and
9 69.50.401(2)(a).

10 **AND FURTHERMORE**, the defendant has committed multiple current offenses and
11 the defendant's high offender score results in some of the current offenses going
12 unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

13 **AND FURTHERMORE**, the offense involved a high degree of sophistication or
14 planning, contrary to RCW 9.94A.535(3)(m).

15 **AND FURTHERMORE**, the offense involved a destructive and foreseeable impact on
16 persons other than the victim, contrary to RCW 9.94A.535(3)(r).

17 **AND FURTHERMORE**, the defendant committed the current offense shortly after
18 being released from incarceration, contrary to RCW 9.94A.535(3)(t).

19 **AND FURTHERMORE**, the current offense was a major violation of the Uniform
20 Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in
21 controlled substances, which was more onerous than the typical offense of its statutory
22 definition, based on the presence of any of the following factors: (i) The current offense
23 involved at least three separate transactions in which controlled substances were sold,
24 transferred, or possessed with intent to do so; (ii) The current offense involved an
25 attempted or actual sale or transfer of controlled substances in quantities substantially
26 larger than for personal use; (v) The current offense involved a high degree of
27 sophistication or planning, occurred over a lengthy period of time, or involved a broad
28 geographic area of disbursement; contrary to RCW 9.94A.535(3)(e).

29 (MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than
30 \$25,000; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment
and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more

1 than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and RCW
2 69.50.430(1), plus restitution and assessments.)
3 (If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United
4 States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic
5 drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than
6 \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20)
7 years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2)
8 kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW
9 69.50.401(2)(a) and 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

10 JIS Code: 69.50.401.2ACont Subst Sched I/II-Narc/IV-FIn

11
12 **Count XXXIII**
13 **POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO**
14 **MANUFACTURE OR DELIVER**

15 On or about and between April 20, 2011 and December 31, 2012, in the County
16 of Lewis, State of Washington, the above-named defendant did possess, with intent to
17 manufacture or deliver, a controlled substance, to-wit: Oxycodone, received from Ryan
18 Shewell's prescriptions; contrary to the Revised Code of Washington 69.50.401(1) and
19 69.50.401(2)(a).

20 **AND FURTHERMORE**, the defendant has committed multiple current offenses and
21 the defendant's high offender score results in some of the current offenses going
22 unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

23 **AND FURTHERMORE**, the offense involved a high degree of sophistication or
24 planning, contrary to RCW 9.94A.535(3)(m).

25 **AND FURTHERMORE**, the offense involved a destructive and foreseeable impact on
26 persons other than the victim, contrary to RCW 9.94A.535(3)(r).

27 **AND FURTHERMORE**, the defendant committed the current offense shortly after
28 being released from incarceration, contrary to RCW 9.94A.535(3)(t).

29 **AND FURTHERMORE**, the current offense was a major violation of the Uniform
30 Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in
controlled substances, which was more onerous than the typical offense of its statutory
definition, based on the presence of any of the following factors: (i) The current offense
involved at least three separate transactions in which controlled substances were sold,

1 transferred, or possessed with intent to do so; (ii) The current offense involved an
2 attempted or actual sale or transfer of controlled substances in quantities substantially
3 larger than for personal use; (v) The current offense involved a high degree of
4 sophistication or planning, occurred over a lengthy period of time, or involved a broad
5 geographic area of disbursement; contrary to RCW 9.94A.535(3)(e).

6 (MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than
7 \$25,000; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment
8 and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more
9 than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and RCW
10 69.50.430(1), plus restitution and assessments.)

11 (If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United
12 States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic
13 drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than
14 \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20)
15 years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2)
16 kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW
17 69.50.401(2)(a) and 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

18 JIS Code: 69.50.401.2ACont Subst Sched I/II-Narc/IV-FIn

19
20 **Count XXXIV**
21 **POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO**
22 **MANUFACTURE OR DELIVER**

23 On or about and between April 20, 2011 and December 31, 2012, in the County
24 of Lewis, State of Washington, the above-named defendant did possess, with intent to
25 manufacture or deliver, a controlled substance, to-wit: Oxycodone, received from Ryan
26 Shewell's prescriptions; contrary to the Revised Code of Washington 69.50.401(1) and
27 69.50.401(2)(a).

28 **AND FURTHERMORE**, the defendant has committed multiple current offenses and
29 the defendant's high offender score results in some of the current offenses going
30 unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

AND FURTHERMORE, the offense involved a high degree of sophistication or
planning, contrary to RCW 9.94A.535(3)(m).

AND FURTHERMORE, the offense involved a destructive and foreseeable impact on
persons other than the victim, contrary to RCW 9.94A.535(3)(r).

AND FURTHERMORE, the defendant committed the current offense shortly after being released from incarceration, contrary to RCW 9.94A.535(3)(t).

AND FURTHERMORE, the current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition, based on the presence of any of the following factors: (i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; (ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; (v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; contrary to RCW 9.94A.535(3)(e).

(MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$25,000; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2) kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

JIS Code: 69.50.401.2A Cont Subst Sched I/II-Narc/IV-Fln

Count XXXV

DELIVERY OF A CONTROLLED SUBSTANCE

On or about and between April 20, 2013 and December 21, 2012, in the County of Lewis, State of Washington, the above-named defendant did knowingly deliver a controlled substance, to-wit: Oxycodone, to Alana Shewell; contrary to the Revised Code of Washington 69.50.401(1) and 69.50.401(2)(a) or (b).

1 **AND FURTHERMORE**, the defendant has committed multiple current offenses and
2 the defendant's high offender score results in some of the current offenses going
3 unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

4 **AND FURTHERMORE**, the offense involved a high degree of sophistication or
5 planning, contrary to RCW 9.94A.535(3)(m).

6 **AND FURTHERMORE**, the offense involved a destructive and foreseeable impact on
7 persons other than the victim, contrary to RCW 9.94A.535(3)(r).

8 **AND FURTHERMORE**, the defendant committed the current offense shortly after
9 being released from incarceration, contrary to RCW 9.94A.535(3)(t).

10 **AND FURTHERMORE**, the current offense was a major violation of the Uniform
11 Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in
12 controlled substances, which was more onerous than the typical offense of its statutory
13 definition, based on the presence of any of the following factors: (i) The current offense
14 involved at least three separate transactions in which controlled substances were sold,
15 transferred, or possessed with intent to do so; (ii) The current offense involved an
16 attempted or actual sale or transfer of controlled substances in quantities substantially
17 larger than for personal use; (v) The current offense involved a high degree of
18 sophistication or planning, occurred over a lengthy period of time, or involved a broad
19 geographic area of disbursement; contrary to RCW 9.94A.535(3)(e).

20 (MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than
21 \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment
22 and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms pursuant to
RCW 69.50.401(2)(a) or (b) and RCW 69.50.430(1), plus restitution and assessments.)

23 (If the defendant has previously been convicted under chapter 69.50 RCW or any statute of the United
24 States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic
25 drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than
26 \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20)
years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2)
kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW
69.50.401(2)(a) or (b) and 69.50.408 and RCW 69.50.430, plus restitution and assessments.)

27 JIS Code: 69.50.401.2C Cont Subs Sched I/II/III
28
29
30

Count XXXVI

DELIVERY OF A CONTROLLED SUBSTANCE

On or about and between April 20, 2013 and December 21, 2012, in the County of Lewis, State of Washington, the above-named defendant did knowingly deliver a controlled substance, to-wit: Oxycodone, to Ryan Shewell; contrary to the Revised Code of Washington 69.50.401(1) and 69.50.401(2)(a) or (b).

AND FURTHERMORE, the defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished, contrary to RCW 9.94A.535(2)(c) [determination by judge].

AND FURTHERMORE, the offense involved a high degree of sophistication or planning, contrary to RCW 9.94A.535(3)(m).

AND FURTHERMORE, the offense involved a destructive and foreseeable impact on persons other than the victim, contrary to RCW 9.94A.535(3)(r).

AND FURTHERMORE, the defendant committed the current offense shortly after being released from incarceration, contrary to RCW 9.94A.535(3)(t).

AND FURTHERMORE, the current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition, based on the presence of any of the following factors: (i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; (ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; (v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; contrary to RCW 9.94A.535(3)(e).

(MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms pursuant to RCW 69.50.401(2)(a) or (b) and RCW 69.50.430(1), plus restitution and assessments.)

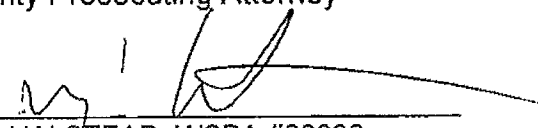
(If the defendant has previously been convicted under chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than

\$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2) kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) or (b) and 69.50.408 and RCW 69.50.430, plus restitution and assessments.)

JIS Code: 69.50.401.2C Cont Subs Sched I/II/III

DATED this 18th day of July 20 14.

JONATHAN L. MEYER
Lewis County Prosecuting Attorney


WILLIAM J. HALSTEAD, WSBA #23838
Senior Deputy Prosecuting Attorney

DEFENDANT INFORMATION					
NAME: Forrest Eugene Amos			DOB: 05/16/1983		
ADDRESS: 103 Neuwakum Golf Drive					
CITY, STATE, ZIP: Chehalis, WA 98532			PHONE #(s): (360)508-4366		
FBI #498830NB6		SID# WA18562708		LEA# 13A-7516	
SEX: M	RACE: W	HGT: 509	WGT: 160	EYES: BLU	HAIR: BLN
OTHER IDENTIFYING INFORMATION					

Appendix E

Statement of Defendant on Plea of Guilty

JUL 31 2014

By Kathy A. Brack, Clerk *ST*
Deputy

93

Superior Court of Washington
For Lewis County

State of Washington _____

Plaintiff

vs.

FORREST AMOS _____

Defendant

No. 13-1-8186

Statement of Defendant on Plea of
Guilty to Non-Sex Offense
(Felony)
(STTDFG)

1. My true name is: FORREST AMOS
2. My age is: 31
3. The last level of education I completed was 11
4. I Have Been Informed and Fully Understand That:

(a) I have the right to representation by a lawyer and if I cannot afford to pay for a lawyer, one will be provided at no expense to me.

(b) I am charged with: 3 AM INDECENCY - A COUNTS NOT INCLUDING
The elements are: CR I, & CT IX -

5. I Understand I Have the Following Important Rights, and I Give Them Up by Pleading Guilty:

- FEW*
- (a) The right to a speedy and public trial by an impartial jury in the county where the crime was allegedly committed;
 - (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
 - (c) The right at trial to hear and question the witnesses who testify against me;

- YEA
- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
 - (e) The right to be presumed innocent unless the State proves the charge beyond a reasonable doubt or I enter a plea of guilty;
 - (f) The right to appeal a finding of guilt after a trial.

In Considering the Consequences of My Guilty Plea, I Understand That:

- (a) Each crime with which I am charged carries a maximum sentence, a fine, and a **Standard Sentence Range** as follows:

COUNT NO.	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	COMMUNITY CUSTODY	MAXIMUM TERM AND FINE
1	SEE	ATTACHED	APP A		
2					
3					

*The sentencing enhancement codes are: (RPh) Robbery of a pharmacy, (CSG) Criminal street gang involving minor, (AE) Endangerment while attempting to elude. The following enhancements will run consecutively to all other parts of my entire sentence, including other enhancements and other counts: (F) Firearm, (D) Other deadly weapon, (V) VUCSA in protected zone, (JP) Juvenile present, (VH) Veh. Hom, see RCW 46.61.520, (P16) Passenger(s) under age 16.

- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.
- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.
- (e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment and any mandatory fines or penalties that apply to my case. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or

double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.

- (f) For crimes committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the total period of confinement is more than 12 months, and if this crime is a drug offense, assault in the second degree, assault of a child in the second degree, or any crime against a person in which a specific finding was made that I or an accomplice was armed with a deadly weapon, the judge will order me to serve at least one year of community custody. If this crime is a vehicular homicide, vehicular assault, or a serious violent offense, the judge will order me to serve at least two years of community custody. The actual period of community custody may be longer than my earned early release period. During the period of community custody, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For crimes committed on or after July 1, 2000: In addition to sentencing me to confinement, under certain circumstances the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months, but only if the crime I have been convicted of falls into one of the offense types listed in the following chart. For the offense of failure to register as a sex offender, regardless of the length of confinement, the judge will sentence me for up to 12 months of community custody. If the total period of confinement ordered is more than 12 months, and if the crime I have been convicted of falls into one of the offense types listed in the following chart, the court will sentence me to community custody for the term established for that offense type unless the judge finds substantial and compelling reasons not to do so. If the period of earned release awarded per RCW 9.94A.729 is longer, that will be the term of my community custody. If the crime I have been convicted of falls into more than one category of offense types listed in the following chart, then the community custody term will be based on the offense type that dictates the longest term of community custody.

OFFENSE TYPE	COMMUNITY CUSTODY TERM
Serious Violent Offenses	36 months
Violent Offenses	18 months
Crimes Against Persons as defined by RCW 9.94A.411(2)	12 months
★ Offenses under Chapter 69.50 or 69.52 RCW (not sentenced under RCW 9.94A.660)	12 months
Offenses involving the unlawful possession of a firearm where the offender is a criminal street gang member or associate	12 months

Certain sentencing alternatives may also include community custody.

During the period of community custody I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me, including additional conditions of community custody that may be imposed by the Department of Corrections. My failure to comply with these conditions will render me ineligible for

Δ STIPULATES THE COUNTS HE IS PLEADING GUILTY TO DO NOT
CONSTITUTE SAME CRIMINAL CONDUCT

general assistance, RCW 74.04.005(6)(h), and may result in the Department of Corrections transferring me to a more restrictive confinement status or other sanctions.

If I violate the conditions of my community custody, the Department of Corrections may sanction me up to 60 days confinement per violation and/or revoke my earned early release, or the Department of Corrections may impose additional conditions or other stipulated penalties. The court also has the authority to impose sanctions for any violation.

(g)

The prosecuting attorney will make the following recommendation to the judge: *120 months on FELONIES - 24 months on gross. misc. 144 mo DOC - AGREED*
CC NO OTHER CHARGES
DISMISSED *AFR* *STEN. TIME*
AS. 55 141-352-2 *FINE* *THS. TIME*

[] The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

*Δ WAIVES RIGHTS TO FILE APPEALS
AND PER. REST. PETITIONS IN THIS MATTER*

(h)

The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. I understand the following regarding exceptional sentences: *THAT WE
ARE AWARE OF
NOW.*

- (i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.
- (ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.
- (iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.
- (iv) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

If the court imposes a standard range sentence, then no one may appeal the sentence. If the court imposes an exceptional sentence after a hearing, either the State or I can appeal the sentence.

- (i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
- (j) I may not possess, own, or have under my control any firearm, and under federal law any firearm or ammunition, unless my right to do so is restored by the court in which I am convicted or the superior court in Washington State where I live, and by a federal court if required. I must immediately surrender any concealed pistol license.
- (k) I will be ineligible to vote until that right is restored in a manner provided by law. If I am

registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.

- (l) Government assistance may be suspended during any period of confinement.
- (m) I will be required to have a biological sample collected for purposes of DNA identification analysis. I will be required to pay a \$100.00 DNA collection fee.

Notification Relating to Specific Crimes: *If any of the following paragraphs DO NOT APPLY, counsel and the defendant shall strike them out. The defendant and the judge shall initial all paragraphs that DO APPLY.*

- _____ (n) This offense is a most serious offense or "strike" as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.
- _____ (o) The judge may sentence me as a first-time offender instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030. This sentence could include as much as 90 days' confinement and up to one year of community custody plus all of the conditions described in paragraph (e). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.
- _____ (p) The judge may sentence me under the Parenting Sentencing Alternative if I qualify under RCW 9.94A.655. If I am eligible, the judge may order DOC to complete either a risk assessment report or a chemical dependency screening report, or both. If the judge decides to impose the Parenting Sentencing Alternative, the sentence will consist of 12 months of community custody and I will be required to comply with the conditions imposed by the court and by DOC. At any time during community custody, the court may schedule a hearing to evaluate my progress in treatment or to determine if I have violated the conditions of the sentence. The court may modify the conditions of community custody or impose sanctions. If the court finds I violated the conditions or requirements of the sentence or I failed to make satisfactory progress in treatment, the court may order me to serve a term of total confinement within the standard range for my offense.
- _____ (q) If this crime involves kidnapping involving a minor, including unlawful imprisonment involving a minor who is not my child, I will be required to register where I reside, study or work. The specific registration requirements are set forth in the "Offender Registration" Attachment.
- _____ (r) If this is a crime of domestic violence, I may be ordered to pay a domestic violence assessment of up to \$100.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.
- _____ (s) If this crime involves prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.
- _____ (t) The judge may sentence me under the drug offender sentencing alternative (DOSA) if I qualify under RCW 9.94A.660. If I qualify and the judge is considering a residential chemical dependency treatment-based alternative, the judge may order that I be examined

by DOC before deciding to impose a DOSA sentence. If the judge decides to impose a DOSA sentence, it could be either a prison-based alternative or a residential chemical dependency treatment-based alternative.

If the judge imposes the **prison-based alternative**, the sentence will consist of a period of total confinement in a state facility for one-half of the midpoint of the standard range, or 12 months, whichever is greater. During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose a term of community custody of one-half of the midpoint of the standard range.

If the judge imposes the **residential chemical dependency treatment-based alternative**, the sentence will consist of a term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, and I will have to enter and remain in a certified residential chemical dependency treatment program for a period of *three to six months*, as set by the court.

As part of this sentencing alternative, the court is required to schedule a progress hearing during the period of residential chemical dependency treatment and a treatment termination hearing scheduled three months before the expiration of the term of community custody. At either hearing, based upon reports by my treatment provider and the department of corrections on my compliance with treatment and monitoring requirements and recommendations regarding termination from treatment, the judge may modify the conditions of my community custody or order me to serve a term of total confinement equal to one-half of the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.701.

During the term of community custody for either sentencing alternative, the judge could prohibit me from using alcohol or controlled substances, require me to submit to urinalysis or other testing to monitor that status, require me to devote time to a specific employment or training, stay out of certain areas, pay \$30.00 per month to offset the cost of monitoring and require other conditions, such as affirmative conditions, and the conditions described in paragraph 6(e). The judge, on his or her own initiative, may order me to appear in court at any time during the period of community custody to evaluate my progress in treatment or to determine if I have violated the conditions of the sentence. If the court finds that I have violated the conditions of the sentence or that I have failed to make satisfactory progress in treatment, the court may modify the terms of my community custody or order me to serve a term of total confinement within the standard range.

- _____ (u) If I am subject to community custody and the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.
- _____ (v) If this crime involves the manufacture, delivery, or possession with the intent to deliver methamphetamine, including its salts, isomers, and salts of isomers, or amphetamine, including its salts, isomers, and salts of isomers, and if a fine is imposed, \$3,000 of the fine may not be suspended. RCW 69.50.401(2)(b).
- _____ (w) If this crime involves a violation of the state drug laws, my eligibility for state and federal food stamps, welfare, and education benefits may be affected. 20 U.S.C. § 1091(r) and 21 U.S.C. § 862a.

- _____ (x) I understand that RCW 46.20.285(4) requires that my driver's license be revoked if the judge finds I used a motor vehicle in the commission of this felony.
- _____ (y) If this crime involves the offense of vehicular homicide while under the influence of intoxicating liquor, or any drug, as defined by RCW 46.61.502, committed on or after January 1, 1999, an additional two years shall be added to the presumptive sentence for vehicular homicide for each prior offense as defined in RCW 46.61.5055(14).
- _____ (z) If I am pleading guilty to felony driving under the influence of intoxicating liquor, or any drugs, or felony actual physical control of a motor vehicle while under the influence of intoxicating liquor, or any drug, in addition to the provisions of chapter 9.94A RCW, I will be required to undergo alcohol or chemical dependency treatment services during incarceration. I will be required to pay the costs of treatment unless the court finds that I am indigent. My driving privileges will be suspended, revoked or denied. Following the period of suspension, revocation or denial, I must comply with the Department of Licensing ignition interlock device requirements. In addition to any other costs of the ignition interlock device, I will be required to pay an additional fee of \$20 per month.
- _____ (aa) For the crimes of vehicular homicide committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)), or felony physical control under the influence (RCW 46.61.504(6)), the court shall add 12 months to the standard sentence range for each child passenger under the age of 16 who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.
- _____ (bb) For the crimes of felony driving under the influence of intoxicating liquor, or any drug, for vehicular homicide while under the influence of intoxicating liquor, or any drug, or vehicular assault while under the influence of intoxicating liquor, or any drug, the court may order me to reimburse reasonable emergency response costs up to \$2,500 per incident.
- _____ (cc) The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. This law does not apply to crimes committed on or after July 24, 2005, by a juvenile who was tried as an adult after decline of juvenile court jurisdiction. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6[n].
- _____ (dd) I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.
- _____ (ee) The offense(s) I am pleading guilty to include(s) a Violation of the Uniform Controlled Substances Act in a protected zone enhancement or manufacture of methamphetamine when a juvenile was present in or upon the premises of manufacture enhancement. I understand these enhancements are mandatory and that they must run consecutively to all

other sentencing provisions.

- _____ (ff) The offense(s) I am pleading guilty to include(s) a deadly weapon, firearm, or sexual motivation enhancement. Deadly weapon, firearm, or sexual motivation enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon, firearm, or sexual motivation enhancements.
- _____ (gg) If I am pleading guilty to (1) unlawful possession of a firearm(s) in the first or second degree and (2) felony theft of a firearm or possession of a stolen firearm, I am required to serve the sentences for these crimes consecutively to one another. If I am pleading guilty to unlawful possession of more than one firearm, I must serve each of the sentences for unlawful possession consecutively to each other.
- _____ (hh) I may be required to register as a felony firearm offender under RCW 9A.41._____ The specific registration requirements are in the "Felony Firearm Offender Registration" Attachment.
- _____ (ii) If I am pleading guilty to the crime of unlawful practices in obtaining assistance as defined in RCW 74.08.331, no assistance payment shall be made for at least six months if this is my first conviction and for at least 12 months if this is my second or subsequent conviction. This suspension of benefits will apply even if I am not incarcerated. RCW 74.08.290.
- _____ (jj) The judge may authorize work ethic camp. To qualify for work ethic authorization my term of total confinement must be more than twelve months and less than thirty-six months, I cannot currently be either pending prosecution or serving a sentence for violation of the uniform controlled substance act and I cannot have a current or prior conviction for a sex or violent offense.

7. I plead guilty to: SEE ATTACHED
count _____
count _____
count _____
in the 3rd Amended Information. I have received a copy of that Information.
8. I make this plea freely and voluntarily.
9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.
10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.
11. The judge has asked me to state what I did in my own words that makes me guilty of this crime.
This is my statement: SEE ATTACHED APP B

[] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and the "Offender Registration" Attachment, if applicable. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

X [Signature]
Defendant

I have read and discussed this statement with the defendant. I believe that the defendant is competent and fully understands the statement.

[Signature]
Defendant's Lawyer

[Signature]
Prosecuting Attorney

William Halstead
Print Name WSBA No. 23838

[Signature] 24637
Print Name WSBA No.

The defendant signed the foregoing statement in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- ☒ (a) The defendant had previously read the entire statement above and that the defendant understood it in full;
☒ (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
☐ (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is included below.

Interpreter's Declaration: I am a certified or registered interpreter, or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands. I have interpreted this document for the defendant from English into that language. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____, on (date) _____.

Interpreter

Print Name

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: 7/31/14

[Signature]
Judge

Richard L. Brosey
Judge

APP A.

I 51-60

II 43-57

III 124-2400

IV 0-364

V 0-364

VI 60-120

VII 60-120

~~VIII~~ 0-90

~~IX~~ 0-364

~~X~~ 60-120

~~XI~~ 60-120

~~XII~~ 60-120

~~XIII~~ 60-120

~~XIV~~ 60-120

Count E a
7/31/14

APP B

BETWEEN APRIL 20, 2011 AND FEB 1, 2013,

I WOULD BUY AND SELL CONTROLLED

SUBSTANCES FROM AND TO OTHERS -

(CANTS XII, XIII, XIV, XV, XVI) 91

AFTER I WENT INTO CASHING ON 2-1-13,
AND CONTINUING THROUGH DECEMBER 2013,
I USED THE TELEPHONE TO MAKE CALLS

TO OTHERS. DURING THOSE CALLS I HAD

NUMEROUS CONVERSATIONS REGARDING CONTROLLED

SUBSTANCES, INCLUDING OXYCODONE AND MARIJUANA

DURING SOME OF THESE CONVERSATIONS I

TALKED WITH MY GIRLFRIEND AND IN NO

UNCERTAIN TERMS ASKED HER NOT TO

COOPERATE WITH LAW ENFORCEMENT
REGARDING ANY INVESTIGATIONS.

I ALSO ASKED A FRIEND TO GO OUTSIDE
OF HER WEBSITES TO GAIN INFORMATION
THAT I COULD EVENTUALLY USE AGAINST
HER IF I NEEDED IT AT A HEAR
(CR II, III)

SOME OF THE CONVERSATIONS INCLUDED A
I/B. OF
MARIJUANA WHERE A FRIEND WHO GAVE IT
GAVE IT TO MY COLLEAGUES AND I
CANCELED HER ON HOW MUCH TO CHANGE
DURING THE SEARCHING PROCESS.

(CR. IV, ^{GM} V)

When she was caught with the
MARIJUANA I SUGGESTED THAT SHE
PAID OUT A MEDICAL MARIJUANA

Authorization ON LINE AND FILL IT
OUT AS IF SHE HAD LEGAL AUTHORITY
TO HAVE IT.

(CT VI) (GM)

When I WAS USING/DEFENDING PILES
MY GIRLFRIEND OBSERVED AND LEARNED.

IN MAY 2013, I WAS TALKING HER
THROUGH A DEAR DEAR - I WAS ON
THE PHONE WHILE SHE WAS ON
THE PROCESS OF BUYING AND SELLING.

(CTS VII, VIII)

WHILE I WAS IN DOC CUSTODY I
HAD MY GIRLFRIEND THROW SOME
TOBACCO PRODUCTS OVER THE FENCE

AT THE FACTORY I WAS AT

(CT X) (Gm)

Just prior to going into custody in

2/13, my girlfriend and I talked

about applying to be a care

provider without actually doing

any work, my girlfriend got the

applications but we could not get

approved because of our backgrounds

(CT X) (Gm)

Jamie E. Gm

7/3/14

Appendix F

Stipulation on Prior Record and Offender Score

Received & Filed
LEWIS COUNTY, WASH
Superior Court

AUG 20 2014

By Kathy A. Brack, Clerk ST
Deputy 98

IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR LEWIS COUNTY

STATE OF WASHINGTON,

Plaintiff,

NO. 13-1-00818-6

vs.

STIPULATION ON PRIOR RECORD AND
OFFENDER SCORE

FORREST EUGENE AMOS,

Defendant.

Upon the entry of a plea of guilty in the above cause number, the defendant hereby agrees and stipulates that the following represents the defendant's complete FELONY CRIMINAL HISTORY for offender score purposes, and that the information in this Stipulation on Prior Record and Offender Score is correct, and furthermore that the defendant is the person named in the convictions. The defendant stipulates that the following convictions are Washington State convictions or out of State convictions equivalent to Washington State felony convictions of the class indicated, per RCW 9.94A.360(3) (Classifications of felony/misdemeanor, Class, and Type made under Washington Law):

Concurrent Conviction Scoring:

Crime	Cause Number	Court (county & state)	DV* Yes
1 n/a			

Criminal History: (RCW 9.94A.525)

Crime	Date of Crime	Date Of Sentence	Sentencing Court (County & State)	A or J Adult, Juv.	Type of Crime	DV* Yes
1 VUCSA - Poss	10-06-2011	01-28-2013	Lewis WA	A	NV	
2 Assault 2	02-26-2004	06-20-2005	Walla Walla, WA	A	V	
3 Burglary 1	01-16-2000	04-25-2000	Lewis WA	A	V	
4 Robbery 1	01-16-2000	04-25-2000	Lewis WA	A	V	
5 Assault 2	01-16-2000	04-25-2000	Lewis WA	A	V	
6 Theft firearm	01-16-2000	04-25-2000	Lewis WA	A	NV	
7 UPF 1	01-16-2000	04-25-2000	Lewis WA	A	NV	

STIPULATION ON PRIOR
RECORD AND OFFENDER SCORE

8	Burglary 2	02-25-1999	03-02-1999	Lewis WA	J	NV	
9	Malicious Mischief 2	05-24-1998	09-01-1998	Lewis WA	J	NV	
10	Burglary 2	05-02-1997	05-16-1997	Lewis WA	J	NV	
11	PSP 2	05-02-1997	05-16-1997	Lewis WA	J	NV	

COUNTS 3,4, AND 5 LISTED ABOVE ARE ONE OFFENSE FOR PURPOSES OF CALCULATING OFFENDERS SCORE

The defendant stipulates that the above criminal history and scoring are correct, producing an offender score as follows, including current offenses, and stipulates that the offender score is correct and that none of the convictions have "washed out":

2.3 Sentencing Data: (Counts I and IX were dismissed)

<i>Count No.</i>	<i>Offender Score</i>	<i>Seriousness Level</i>	<i>Standard Range</i>	<i>Plus Enhancements</i>	<i>Total Standard Range (including enhancements)</i>	<i>Maximum Term</i>
II	9+	III	51-60 MONTHS		51-60 MONTHS	10 YRS
III	9+	II	43-57 MONTHS		43-57 MONTHS	5 YRS
IV	9+	I	12+-24 MONTHS		12+-24 MONTHS	5 YRS
V	N/A	GM	0-364 DAYS		0-364 DAYS	364 DAYS
VI	N/A	GM	0-364 DAYS		0-364 DAYS	364 DAYS
VII	9+	II	60-120 MONTHS		60-120 MONTHS	10 YRS
VIII	9+	II	60-120 MONTHS		60-120 MONTHS	10 YRS
X	N/A	M	0-90 DAYS		0-90 DAYS	90 DAYS
XI	N/A	GM	0-364 DAYS		0-364 DAYS	364 DAYS
XII	9+	II	60-120 MONTHS		60-120 MONTHS	10 YRS
XIII	9+	II	60-120 MONTHS		60-120 MONTHS	10 YRS
XIV	9+	II	60-120 MONTHS		60-120 MONTHS	10 YRS
XV	9+	II	60-120 MONTHS		60-120 MONTHS	10 YRS
XVI	9+	II	60-120 MONTHS		60-120 MONTHS	10 YRS

(F)Firearm, (D) Other deadly weapon, (V) VUCSA in a protected zone, (VH) Veh.Hom., See RCW 46.61.520, (JP) Juvenile present

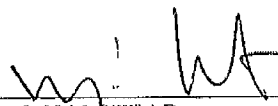
STIPULATION ON PRIOR
RECORD AND OFFENDER SCORE

1 The defendant further stipulates:-

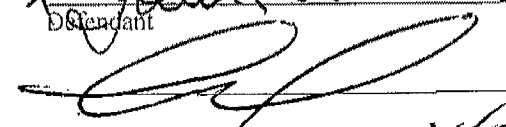
- 2 1) That the defendant waives any right the defendant may have to have a jury decide the existence of the
3 defendant's prior and current convictions beyond a reasonable doubt and agrees to a judicial fact-finding
4 of prior and current convictions based on this stipulation;
- 5 2) That if any additional criminal history is discovered, the State of Washington may re-sentence the
6 defendant using the corrected offender score and the Prosecuting Attorney's recommendation may
7 increase without affecting the validity of the plea of guilty;
- 8 3) That if the defendant pled guilty to an information which did not include the totality of possible charges or
9 highest provable degree as a result of plea negotiations, and if the plea of guilty is set aside due to the
10 motion or petition of the defendant, the State of Washington is permitted to re-file and prosecute any
11 charge(s) dismissed, reduced or withheld from filing by that negotiation, and speedy trial rules shall not be
12 a bar to such later prosecution;

13 If sentenced within the standard range, the defendant further waives any right to appeal or seek redress via any
14 collateral attack based upon the above-stated criminal history and/or offender score calculation.

15 Stipulated to this 20 day of Aug., 2014.

16 
WILLIAM J. HALSTEAD
Deputy Prosecuting Attorney
WSBA # 23838

17 
Defendant

18 
Attorney for Defendant, WSBA No. 28037

Appendix G

Defendant's Waiver of Right to Withdraw or Appeal Change of Plea
and Waiver of Right to Attack or Appeal Judgment and Sentence

Received & Filed
LEWIS COUNTY, WASH
Superior Court

AUG 20 2014

By Kathy A. Black, Clerk ST
Deputy

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR LEWIS COUNTY

99

STATE OF WASHINGTON,

Plaintiff,

No. 13-1-00818-6

vs.

FORREST EUGENE AMOS,

Defendant.

DEFENDANT'S WAIVER OF RIGHT
TO WITHDRAW OR APPEAL CHANGE
OF PLEA AND DEFENDANT'S WAIVER
OF RIGHT TO ATTACK OR APPEAL
JUDGMENT AND SENTENCE

I, FORREST EUGENE AMOS, the above named Defendant, after having been fully advised by my attorney Donald Blair, and as part of a plea agreement that removes Count I (a most serious offense) and Count IX from the charges against me, do knowingly, intelligently, and voluntarily enter the following waiver.

I agree that the plea agreement that has been negotiated for me in this case is in my best interest and requires that I waive certain rights that I might otherwise possess. Specifically, I waive any right I might have to make a motion to withdraw my plea of guilty or to initiate any appeal as to my plea of guilty. I also waive any right I might have to attack the judgment and sentence that will be entered against me in this case, either by collateral attack or appeal.

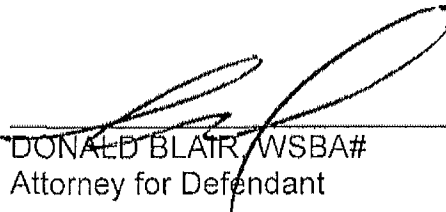
DEFENDANT'S WAIVER

Lewis County Prosecuting Attorney
345 W. Main St., 2nd Floor
Chehalis, WA 98532-1900
(360) 740-1240 FAX: (360) 740-1497

1 I recognize that by entering this waiver, my plea of guilty and the judgment and
2 sentence will be final. I will no longer possess any rights to appeal, to initiate personal
3 restraint petitions, or any other forms of relief regarding my plea of guilty or the
4 judgment and sentence in this matter.
5

6
7 Dated this 20 day of August, 2014.
8

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10 
11 FORREST EUGENE AMOS
12 Defendant

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15 DONALD BLAIR WSBA#
16 Attorney for Defendant
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Appendix H

Third Amended Information

Received & Filed
LEWIS COUNTY, WASH
Superior Court

AUG 20 2014

By Katny A. Brack, Clerk
Deputy

IN THE SUPERIOR COURT OF WASHINGTON IN AND
FOR LEWIS COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

FORREST EUGENE AMOS,

Defendant.

No.13-1-00818-6

THIRD AMENDED INFORMATION



ORIGINAL

COMES NOW JONATHAN L. MEYER, Prosecuting Attorney of Lewis County, State of Washington, or his deputy, and by this Amended Information accuses the above-named defendant of violating the laws of the State of Washington as follows:

Count I - Dismissed as part of Plea Agreement.

Count II

TAMPERING WITH A WITNESS

On or about and between May 1, 2013 and December 2, 2013, in the County of Lewis, State of Washington, the above-named defendant did attempt to induce Jennifer Lantau, a witness or person who the Defendant knew was a witness, or a person whom the Defendant had reason to believe was about to be called as a witness in an official proceeding, or a person whom the Defendant had reason to believe may have had information relevant to a criminal investigation, or a person whom the Defendant had reason to believe may have had information relevant to the abuse and neglect of a minor child, to (a) testify falsely or, without right or privilege to do so, to withhold any testimony, and/or (b) absent himself or herself from such proceedings, and/or (c)

THIRD AMENDED INFORMATION

Page 1 of 9

LEWIS COUNTY
PROSECUTING ATTORNEY
345 W. Main Street, 2nd Floor
Chehalis, WA 98532
360-740-1240 (Voice) 360-740-1497 (Fax)

1 withhold from a law enforcement agency information which he or she has relevant to a
2 criminal investigation or the abuse or neglect of a minor child to the agency; contrary to
3 the Revised Code of Washington 9A.72.120.

4 (MAXIMUM PENALTY—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.72.120(2)
5 and 9A.20.021(1)(c), plus restitution and assessments.)

6 JIS Code: 9A.72.120 Tampering with a Witness
7

8 **Count III**
9 **COMPUTER TRESPASS IN THE FIRST DEGREE**

10 On or about and between May 1, 2013 and December 2, 2013, in the County of
11 Lewis, State of Washington, the above-named defendant, without authority, intentionally
12 gained access to a computer system or electronic database of another, and the
13 defendant gained the access with intent to commit another crime, and/or the violation
14 involved a computer or database maintained by a governmental agency; contrary to the
15 Revised Code of Washington 9A.52.110.

16 (MAXIMUM PENALTY—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.52.110(2)
17 and 9A.20.021(1)(c), plus restitution and assessments.)

18 JIS Code:
19

20 **Count IV**
21 **POSSESSION OF MARIJUANA WITH INTENT TO MANUFACTURE OR DELIVER**

22 On or about and between April 1, 2013 and April 30, 2013, in the County of
23 Lewis, State of Washington, the above-named defendant did knowingly possess, with
24 intent to manufacture or deliver, a controlled substance, to-wit: marijuana; contrary to
25 the Revised Code of Washington 69.50.401(1), 69.50.401(2)(c) and 69.40.204(c)(14).

26 (MAXIMUM PENALTY—Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than
27 \$10,000 pursuant to RCW 69.50.401(2)(c) and RCW 69.50.430(1), plus restitution and assessments.)
28 (If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United
29 States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic
30 drugs, the maximum punishment shall be ten (10) years imprisonment and/or a fine of not less than
\$2,000 nor more than \$20,000 pursuant to RCW 69.50.401(2)(c) and RCW 69.50.408 and RCW
69.50.430, plus restitution and assessments.)

JIS Code: 69.50.401.2C Cont Subs Sched I/II/III

Count V

**ATTEMPTED POSSESSION OF MARIJUANA WITH INTENT TO MANUFACTURE OR
DELIVER**

On or about and between April 1, 2013 and April 30, 2013, in the County of Lewis, State of Washington, the above-named defendant did knowingly possess, with intent to manufacture or deliver, a controlled substance, to-wit: marijuana; contrary to the Revised Code of Washington 69.50.401(1), 69.50.401(2)(c) and 69.40.204(c)(14).

To COMMIT THIS CRIME, the defendant, with intent to commit a specific crime, did an act which is a substantial step toward the commission of that crime; contrary to Revised Code of Washington 9A.28.020(1).

(MAXIMUM PENALTY—Five 364 days in jail and/or a fine of not less than \$1,000 nor more than \$10,000 pursuant to RCW 69.50.401(2)(c) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000 pursuant to RCW 69.50.401(2)(c) and RCW 69.50.408 and RCW 69.50.430, plus restitution and assessments.)

(MAXIMUM PENALTY—The maximum penalty for criminal attempt, criminal solicitation and criminal conspiracy is based upon the underlying crime that is charged, pursuant to RCW 9A.28.020(3), 9A.28.030(2), and 9A.28.040(3).)

JIS Code: 69.50.401.2C Cont Subs Sched I/II/III

Count VI

ATTEMPTED FORGERY

On or about and between April 1, 2013 and April 30, 2013, in the County of Lewis, State of Washington, the above-named defendant, with intent to injure or defraud, did attempt to (a) falsely make, complete or alter a written instrument, and/or (b) did possess, utter, offer, dispose of, or put off as true a written instrument which defendant knew to be forged; contrary to the Revised Code of Washington 9A.60.020(1).

To COMMIT THIS CRIME, the defendant, with intent to commit a specific crime, did an act which is a substantial step toward the commission of that crime; contrary to Revised Code of Washington 9A.28.020(1).

1 (MAXIMUM PENALTY--364 days in jail and/or a \$5,000 fine pursuant to RCW 9A.60.020(3) and RCW
2 9A.20.021(1)(c), plus restitution and assessments.)

3 (MAXIMUM PENALTY--The maximum penalty for criminal attempt, criminal solicitation and criminal
4 conspiracy is based upon the underlying crime that is charged, pursuant to RCW 9A.28.020(3),
5 9A.28.030(2), and 9A.28.040(3).)

6 JIS Code: 9A.60.020.1 Forgery

7 **Count VII**

8 **POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO MANUFACTURE**
9 **OR DELIVER**

10 On or about and January 1, 2013 and May 21, 2013, in the County of Lewis,
11 State of Washington, the above-named defendant did possess, with intent to
12 manufacture or deliver, a controlled substance, to-wit: Oxycodone; contrary to the
13 Revised Code of Washington 69.50.401(1) and 69.50.401(2)(a).

14 (MAXIMUM PENALTY--Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than
15 \$25,000; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment
16 and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more
17 than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and RCW
18 69.50.430(1), plus restitution and assessments.)

19 (If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United
20 States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic
21 drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than
22 \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20)
23 years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2)
24 kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW
25 69.50.401(2)(a) and 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

26 JIS Code: 69.50.401.2A Cont Subst Sched I/II-Narc/IV-Fin

27 **Count VIII**

28 **DELIVERY OF A CONTROLLED SUBSTANCE**

29 On or about and between January 1, 2013 and May 21, 2013, in the County of
30 Lewis, State of Washington, the above-named defendant did knowingly deliver a
controlled substance, to-wit: Oxycodone; contrary to the Revised Code of Washington
69.50.401(1) and 69.50.401(2)(a) or (b).

(MAXIMUM PENALTY--Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than
\$25,000.00; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment

1 and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms pursuant to
2 RCW 69.50.401(2)(a) or (b) and RCW 69.50.430(1), plus restitution and assessments.)
3 (If the defendant has previously been convicted under chapter 69.50 RCW or any statute of the United
4 States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic
5 drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than
6 \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20)
7 years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2)
8 kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW
9 69.50.401(2)(a) or (b) and 69.50.408 and RCW 69.50.430, plus restitution and assessments.)

10 JIS Code: 69.50.401.2C Cont Subs Sched I/II/III

11 ✓ **Count IX - Dismissed as part of Plea Agreement.**

12 **Count X** ✓

13 **INTRODUCING CONTRABAND IN THE THIRD DEGREE**

14 On or about and between January 1, 2013 and May 21, 2013, in the County of
15 Clark, State of Washington, the above-named defendant did knowingly and unlawfully
16 provide contraband to any person confined in a detention facility; contrary to Revised
17 Code of Washington 9A.76.160.

18 (MAXIMUM PENALTY-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 9A.76.160(2) and
19 RCW 9A.20.021(3), plus restitution, assessments and court costs.)

20 JIS Code: 9A.76.160 Introducing Contraband-3rd Degree

21 **Count XI** ✓

22 **ATTEMPTED THEFT IN THE SECOND DEGREE**

23 On or about and between January 1, 2012 and December 31, 2012, in the
24 County of Lewis State of Washington, either in a single transaction or in a series of
25 transactions which are part of a criminal episode or a common scheme or plan pursuant
26 to RCW 9A.56.010(18)(c), the above-named defendant did commit theft as defined in
27 RCW 9A.56.020(1)(a), (1)(b), and/or (1)(c) of property, other than a motor vehicle or a
28 firearm as defined in RCW 9.41.010, or services of another or the value thereof, such
29 property or services being in excess of seven hundred fifty dollars (\$750.00) in value but
30

1 does not exceed five thousand dollars; contrary to the Revised Code of Washington
2 9A.56.020(1)(a) and RCW 9A.56.040(1)(a).

3 **To COMMIT THIS CRIME**, the defendant, with intent to commit a specific crime, did
4 an act which is a substantial step toward the commission of that crime; contrary to
5 Revised Code of Washington 9A.28.020(1).

6 (MAXIMUM PENALTY—364 days in jail and/or a \$5,000 fine pursuant to RCW 9A.56.040(2) and RCW
7 9A.20.021(1)(c), plus restitution and assessments.)

8 (MAXIMUM PENALTY—The maximum penalty for criminal attempt, criminal solicitation and criminal
9 conspiracy is based upon the underlying crime that is charged, pursuant to RCW 9A.28.020(3),
10 9A.28.030(2), and 9A.28.040(3).)

11 JIS Code: 9A.56.040.1AW

12 **Count XII ✓**

13 **POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO MANUFACTURE**
14 **OR DELIVER**

15 On or about and between January 1, 2012 and December 31, 2012, in the
16 County of Lewis, State of Washington, the above-named defendant did possess, with
17 intent to manufacture or deliver, a controlled substance, to-wit: Oxycodone received
18 from Katherine Miles; contrary to the Revised Code of Washington 69.50.401(1) and
19 69.50.401(2)(a).

20 (MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than
21 \$25,000; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment
22 and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more
23 than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and RCW
24 69.50.430(1), plus restitution and assessments.)

25 (If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United
26 States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic
27 drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than
28 \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20)
29 years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2)
30 kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW
69.50.401(2)(a) and 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

JIS Code: 69.50.401.2ACont Subst Sched I/II-Narc/IV-Fln

Count XIII ✓

DELIVERY OF A CONTROLLED SUBSTANCE

On or about and between January 1, 2012 and December 31, 2012, in the County of Lewis, State of Washington, the above-named defendant did knowingly deliver a controlled substance, to-wit: Oxycodone to Heather Calkins; contrary to the Revised Code of Washington 69.50.401(1) and 69.50.401(2)(a) or (b).

(MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms pursuant to RCW 69.50.401(2)(a) or (b) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2) kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) or (b) and 69.50.408 and RCW 69.50.430, plus restitution and assessments.)

JIS Code: 69.50.401.2C Cont Subs Sched I/II/III

Count XIV ✓

DELIVERY OF A CONTROLLED SUBSTANCE

On or about and between January 1, 2012 and December 31, 2012, in the County of Lewis, State of Washington, the above-named defendant did knowingly deliver a controlled substance, to-wit: Oxycodone to Kari Arndt; contrary to the Revised Code of Washington 69.50.401(1) and 69.50.401(2)(a) or (b).

(MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms pursuant to RCW 69.50.401(2)(a) or (b) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2) kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) or (b) and 69.50.408 and RCW 69.50.430, plus restitution and assessments.)

JIS Code: 69.50.401.2C Cont Subs Sched I/II/III

Count XV

**POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO MANUFACTURE
OR DELIVER**

On or about and between April 20, 2011 and December 31, 2012, in the County of Lewis, State of Washington, the above-named defendant did possess, with intent to manufacture or deliver, a controlled substance, to-wit: Oxycodone received from Ryan Shewell's prescription; contrary to the Revised Code of Washington 69.50.401(1) and 69.50.401(2)(a).

(MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$25,000; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2) kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

JIS Code: 69.50.401.2A Cont Subst Sched I/II-Narc/IV-Fln

Count XVI

DELIVERY OF A CONTROLLED SUBSTANCE

On or about and between April 20, 2011 and December 31, 2012, in the County of Lewis, State of Washington, the above-named defendant did knowingly deliver a controlled substance, to-wit: Oxycodone to Alana Shewell; contrary to the Revised Code of Washington 69.50.401(1) and 69.50.401(2)(a) or (b).

(MAXIMUM PENALTY—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms pursuant to RCW 69.50.401(2)(a) or (b) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$50,000; or if the crime involves two (2) or more kilograms of the drug, twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2) kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) or (b) and 69.50.408 and RCW 69.50.430, plus restitution and assessments.)

THIRD AMENDED INFORMATION

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LEWIS COUNTY
PROSECUTING ATTORNEY
345 W. Main Street, 2nd Floor
Chehalis, WA 98532
360-740-1240 (Voice) 360-740-1497 (Fax)

JIS Code: 69.50.401.2C Cont Subs Sched I/II/III

DATED this 20 day of August 20 14.

JONATHAN L. MEYER
Lewis County Prosecuting Attorney


WILLIAM J. HALSTEAD, WSBA #23838
Senior Deputy Prosecuting Attorney

DEFENDANT INFORMATION					
NAME: Forrest Eugene Amos				DOB: 05/16/1983	
ADDRESS: 103 Neuwakum Golf Drive					
CITY, STATE, ZIP: Chehalis, WA 98532				PHONE #(s): (360)508-4366	
FBI #498830NB6			SID# WA18562708		LEA# 13A-7516
SEX: M	RACE: W	HGT: 509	WGT: 160	EYES: BLU	HAIR: BLN
OTHER IDENTIFYING INFORMATION					

Appendix I

Verbatim Report of Proceedings

Change of Plea (7/31/2014)

1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
2 IN AND FOR THE COUNTY OF LEWIS
3 DEPARTMENT 3
4

5 STATE OF WASHINGTON,)
6 Plaintiff,) No. 13-1-00818-6
7 vs.)
8 FORREST AMOS,)
9 Defendant.) CHANGE OF PLEA
10

11
12 VERBATIM TRANSCRIPT OF PROCEEDINGS
13

14 July 31, 2014

15 Lewis County Law & Justice Center
16 Chehalis, Washington

17 before the

18 HONORABLE RICHARD L. BROSEY

19 REPORTED BY: KELLIE A. SMITH, CCR, RPR, CRR
20

21 For the State: WILLIAM HALSTEAD
22 Deputy Prosecuting Attorney

23 For the Defendant: DONALD BLAIR
24 Attorney at Law
25

1 July 31, 2014

2
3 MR. HALSTEAD: Good afternoon, Your Honor. We've got
4 State vs. Forrest Amos on the calendar, Cause 13-1-818-6.
5 Do you also have the second case?

6 MR. BLAIR: Yes.

7 MR. HALSTEAD: And the other matter is 14-1-352-2.
8 will Halstead on behalf of the State. Mr. Blair on behalf
9 of Mr. Amos who's present in custody. The matter comes on
10 this afternoon for change of plea only in the 13 cause
11 number. Upon a successful plea in that case, the State
12 will be moving to dismiss the 14 cause. But I'm handing up
13 to the Court what I've done just to make this a little bit
14 easier since we were so rushed. I took the Original
15 Information and I have written "Third Amended" on it, and I
16 have struck from that Information Count 1 and Count 9.
17 I've drawn a line through those two counts, so he will be
18 pleading to everything else in this -- what I would ask the
19 Court to adopt as a Third Amended Information. And I will
20 file another one that has a clean copy.

21 THE COURT: The record reflects Mr. Amos, who is
22 known to the Court by sight, is present with counsel, Don
23 Blair. Mr. Blair?

24 MR. BLAIR: Thank you, Your Honor. And as the Court,
25 I'm sure, knows, this has been a long argued and negotiated

1 case and we've reached a resolution. Forrest is pleading
2 guilty to 14 counts, all in the form of straight pleas.
3 We've written them out, for the most part, as clearly as we
4 could. That would be Appendix B because the volume
5 wouldn't allow us to do that on the plea form. But we have
6 Appendix A, which is the standard range for all 14 counts,
7 and we have -- ultimately we'll have an agreed
8 recommendation at the point of sentencing in a couple of
9 weeks.

10 THE COURT: Mr. Amos, the attorneys tell me that
11 you're entering pleas this afternoon in 13-1-818-6 to all
12 counts of the -- what is now marked as the Third Amended
13 Information, and that includes Tampering with a Witness,
14 Computer Trespass, Possession of Marijuana With Intent to
15 Manufacture and Deliver, Attempted Possession of Marijuana
16 With Intent to Manufacture and Deliver, Attempted Forgery,
17 Possession of Controlled Substance With Intent to
18 Manufacture Or Deliver, Delivery of a Controlled Substance,
19 Introducing Contraband Third Degree, Attempted Theft in the
20 Second Degree, Possession of a Controlled Substance With
21 Intent to Manufacture Or Deliver, Delivery, Delivery of a
22 Controlled Substance, Possession of a Controlled Substance
23 with Intent to Manufacture Or Deliver, and Delivery of a
24 Controlled Substance. Is that what you plan on doing?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Anybody threaten you or make a promise to
2 you to persuade you to do this?

3 THE DEFENDANT: No.

4 THE COURT: Do you understand that I am not obligated
5 or required to accept whatever it is that's recommended as
6 far as sentence? I could sentence you to the maximum for
7 each one of these individual counts. And when we go
8 through these individually I'll discuss with you what the
9 maximum is with respect to each count. But do you
10 understand that?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: All right. Mr. Blair, I'm certain, has
13 reviewed with you a Statement of Defendant on Plea of
14 Guilty to a Non-Sex Offense Felony Form, which I'm now
15 holding in my hand. This form contains a complete listing
16 of your rights relative to trial. Do you have any question
17 about your rights relative to trial as set forth on this
18 plea form?

19 THE DEFENDANT: No, Your Honor.

20 THE COURT: Do you understand, Mr. Amos, that if I
21 accept pleas of guilty, that you're going to be giving up
22 some of the rights which are set forth or enumerated on
23 this plea form?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Included in that is the fact that there

1 will be no trial, there will be no trial by jury. And
2 because there's going to be no trial, you're not going to
3 have the opportunity to challenge, confront, cross-examine
4 and question witnesses called to testify against you by the
5 prosecutor because with no trial being held the
6 prosecutor's not going to be calling any witnesses to
7 testify. You're not going to have the opportunity to
8 present testimony and evidence on your own behalf. You're
9 not going to be presumed innocent. You're not going to
10 have the right to remain silent. Most importantly there
11 will be no right to an appeal. Those rights are waived or
12 given up by a plea of guilty. Any question about that?

13 THE DEFENDANT: No, Your Honor.

14 THE COURT: Rights that you have left include the
15 right to be present, which obviously you are, and the right
16 to be represented by an attorney, and Mr. Blair's with you.
17 Any question about that?

18 THE DEFENDANT: No, Your Honor.

19 THE COURT: You're 31 years of age; is that right?

20 THE DEFENDANT: Yes.

21 THE COURT: What was the last grade you finished in
22 school?

23 THE DEFENDANT: Eleven.

24 THE COURT: Are you able to read, write, and
25 understand the English language?

1 THE DEFENDANT: Yes.

2 THE COURT: Do you understand the charges in what has
3 now been denominated as the Third Amended Information?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Do you need me to read the charges set
6 forth in that document out loud to you this afternoon in
7 open court?

8 THE DEFENDANT: No, Your Honor.

9 THE COURT: Are you under doctors' care or on any
10 medication that would affect or interfere with your ability
11 to do the pleas?

12 THE DEFENDANT: No, Your Honor.

13 THE COURT: Okay. Mr. Amos has prior convictions, as
14 I understand it, so there shouldn't be any need to give him
15 a warning as to the effect that a plea of guilty or
16 conviction could have on his immigration status. Correct?

17 MR. BLAIR: That's not an issue for us.

18 THE COURT: Not an issue anyway? All right.

19 Mr. Amos, to what I'm going to enumerate as Count 1
20 of what's been marked in ink as the Third Amended
21 Information, which was actually denominated as Count 2 on
22 the Original Information, Tampering With a Witness, where
23 it's alleged that between May 1 and December 2nd of 2013,
24 you did attempt to induce Jennifer Lantau, a witness or a
25 person that you knew to be a witness or who you knew or had

1 reason to believe was to be called as a witness in an
2 official proceeding to testify falsely or to withhold
3 testimony or absent herself, what's your plea, guilty or
4 not guilty?

5 THE DEFENDANT: Guilty.

6 THE COURT: That's a Class C felony, the maximum's
7 ten years.

8 As to Count 2, which is denominated Count 3, Computer
9 Trespass in the First Degree, where the State claims that
10 you intentionally, without authority, gained access to a
11 computer system or an electronic database of another with
12 intent to commit another crime, guilty or not guilty?

13 THE DEFENDANT: Guilty.

14 THE COURT: Again, that's a five-year maximum Class C
15 felony and/or a \$10,000 fine.

16 As to Count 3, which is denominated in the Original
17 Information as Count 4, Possession of Marijuana with Intent
18 to Manufacture Or Deliver, alleges -- and this again is a
19 Class C felony because it involves marijuana -- alleges
20 between April 1 of 2013 and April 30, you did knowingly
21 possess with intent to manufacture or deliver marijuana.
22 Guilty or not guilty?

23 THE DEFENDANT: Guilty.

24 THE COURT: As to Count 4, which is denominated Count
25 5, Attempted Possession of Marijuana with Intent to

1 Manufacture Or Deliver -- and this would be a gross
2 misdemeanor, 364 days, and/or a fine of up to \$10,000, the
3 State claims that between April 1 and April 30, 2013, both
4 days inclusive, you did knowingly possess with intent to
5 manufacture or deliver marijuana, and that you with intent
6 to commit a specific crime did take a substantial step
7 toward the commission of that crime. Guilty or not guilty?

8 THE DEFENDANT: Guilty.

9 MR. BLAIR: Just for the record, Your Honor -- and I
10 know you're changing them because we've taken out Count 1.
11 The problem is the way I've written it up, I've indicated
12 the counts as they are --

13 THE COURT: I'll cover that.

14 MR. BLAIR: All right.

15 THE COURT: With respect to Count 5, which is
16 denominated Count 6 in the Original Information, Attempted
17 Forgery, again, class -- a gross misdemeanor because it's
18 an attempt, the State claims that between April 1 and April
19 30th in Lewis County, with intent to injure or defraud, you
20 did falsely make, complete, or alter a written instrument
21 and/or did possess it, utter it, offer it, dispose of it or
22 put it off as true a written instrument which you knew to
23 be forged, and you took a substantial step to commit that
24 crime. Guilty or not guilty?

25 THE DEFENDANT: Guilty.

1 THE COURT: To Count 6, which is denominated in the
2 Original Information as Count 7, Possession of Controlled
3 Substance with Intent to Manufacture Or Deliver, this is
4 oxycodone as charged here, the State -- which makes it --
5 this be a maximum Class B ten years or 20 years?

6 MR. BLAIR: Ten.

7 THE COURT: Ten years. \$20,000 fine. State claims
8 that between January 1 of 2013 and May 21 of 2013 in Lewis
9 County, you did possess with intent to manufacture or
10 deliver oxycodone. Guilty or not guilty?

11 THE DEFENDANT: Guilty.

12 THE COURT: To Count 7, which is denominated
13 originally as Count 8, Delivery of a Controlled Substance,
14 on or about and between January 1 of 2013 and May 21 of
15 2013, the State says you knowingly delivered oxycodone.
16 Guilty or not guilty?

17 THE DEFENDANT: Guilty.

18 THE COURT: All right. Again, that's a ten-year
19 Class B felony.

20 To Count 8, which is denominated now as Count 10,
21 Introducing Contraband in the Third Degree, this is a
22 misdemeanor, 90 days, and/or a thousand dollar fine, State
23 claims that between January 1 of 2013 and May 21, 2013, you
24 did knowingly and unlawfully provide contraband to a person
25 in a detention facility. Guilty or not guilty?

1 THE DEFENDANT: Guilty.

2 THE COURT: To Count 9, denominated in the Original
3 Information as Count 11, Attempted Theft in the Second
4 Degree, this will again be a gross misdemeanor, State
5 claims that between January 1 and December 31 of 2012,
6 either in a single transaction or in a series of
7 transactions which were part of a criminal episode or
8 common scheme or plan, you did commit theft of property
9 other than a motor vehicle or services of a value thereof
10 in excess of \$750 but not exceeding \$5,000, and that you
11 did a specific step with the intent to commit this crime
12 toward commission of the crime. Guilty or not guilty?

13 THE DEFENDANT: Guilty.

14 THE COURT: With respect to Count No. 10, which is
15 denominated as Count 12, Possession of Oxycodone with
16 Intent to Manufacture Or Deliver, again, this would be a
17 Class B, ten years, \$20,000 fine, State claims that between
18 January 1 and December 31, 2012, you did possess with
19 intent to manufacture or deliver oxycodone received from
20 Katherine Miles. Guilty or not guilty?

21 THE DEFENDANT: Guilty.

22 THE COURT: To Count 11, which is denominated as 13
23 in the Original Information, State claims that between
24 January 1 of 2012 and December 31, 2012, in the County of
25 Lewis, you did knowingly deliver a controlled substance,

1 oxycodone, to Heather Calkins. Guilty or not guilty?

2 THE DEFENDANT: Guilty.

3 THE COURT: To Count 12, denominated as Count 14,
4 Delivery of a Controlled Substance, the State claims that
5 between January 1 and December 31 of 2012, you did
6 knowingly deliver oxycodone to Kari Arndt. Again, this
7 would be a Class B, ten years or \$20,000 fine. Guilty or
8 not guilty?

9 THE DEFENDANT: Guilty.

10 THE COURT: In Count 13, which the State originally
11 denominated as Count 15, State alleges Possession of a
12 Controlled Substance With Intent to Manufacture Or Deliver
13 that says that between April 20, 2011 and December 31,
14 2012, in County of Lewis, you did possess with intent to
15 manufacture or deliver oxycodone received from Ryan
16 Shewell's prescription. Guilty or not guilty?

17 THE DEFENDANT: Guilty.

18 THE COURT: And lastly, Count 14, denominated as
19 Count 16, charges Delivery of a Controlled Substance
20 between April 20 of '11 and December 31st of 2012, you did
21 knowingly deliver a controlled substance, oxycodone, to
22 Alana Shewell contrary to the law. Ten years, \$20,000 fine
23 again. Guilty or not guilty?

24 THE DEFENDANT: Guilty.

25 THE COURT: Mr. Blair has handed me an attachment to

1 the Statement on Plea, which first of all sets forth as
2 Appendix A the standard ranges, as I understand it, and as
3 to Count -- what I'll refer to now as originally set forth
4 in the Original Information, Count 2, which is the
5 Tampering With a Witness, 51 to 60 months; Count 3, 43 to
6 57 months. That's Possession With Intent to Manufacture Or
7 Deliver. Count 5 --

8 MR. BLAIR: Count 3 was Computer Trespass.

9 THE COURT: Count 3 is Computer Trespass. The
10 standard range for that is 12 plus to 24. Count -- the
11 next count is zero to 364, the next count is zero to 364.
12 Count 6, as originally charged, which would be Possession
13 -- actually Count 7, I believe. Possession of a Controlled
14 Substance With Intent to Manufacture Or Deliver, again,
15 we're talking about 60 to 120. Count 8, 60 to 120. Count
16 9, zero to 90. Count 11 -- excuse me. Count 10, zero to
17 90; Count 11, zero to 364; 12, 60 to 120; 13, 60 to 120;
18 14, 60 to 120; 15, 60 to 120; and the last one, 60 to 120,
19 which are the major deliveries and/or Possession with
20 Intent to Deliver counts.

21 Do you understand the maximums? Standard ranges?

22 THE DEFENDANT: Yes.

23 THE COURT: Appendix B says, "Between April 20, 2011,
24 and February 1, 2013, I would buy and sell controlled
25 substances from and to others." That's Count 12, 13, 14,

1 15, and 16. "After I went into custody on 2/1/13 and
2 continuing through December, 2013, I used the telephone to
3 make calls to others. During these calls I had numerous
4 conversations regarding controlled substances including
5 oxycodone and marijuana. During some of these
6 conversations, I talked with my girlfriend and in no
7 uncertain terms asked her not to cooperate with law
8 enforcement regarding any investigations. I also asked a
9 friend to go outside" --

10 MR. BLAIR: Online.

11 THE COURT: "To go online" -- rather -- "to her
12 website to gain information that I could eventually use
13 against her if I needed it at a" --

14 MR. BLAIR: "If the case were to have gone to trial."

15 THE COURT: " -- if the case were to have gone to
16 trial." That's Counts 2 and 3.

17 "Some of the conversations involved a pound of
18 marijuana where a friend who grew it gave it to my
19 girlfriend and I -- "

20 MR. BLAIR: "Counselled."

21 THE COURT: " -- counselled her on how much to charge
22 during the selling process." That's Counts 4 and 5.

23 "When she was caught with the marijuana, I suggested
24 that she point out a medical marijuana -- "

25 MR. BLAIR: "Print out."

1 THE COURT: " -- print out a medical marijuana
2 authorization online and fill it out as if she had legal
3 authority to have it." That's Count 6.

4 "When I was" -- is that "using"? Something or other
5 pills.

6 MR. BLAIR: Dealing.

7 THE COURT: " -- using/dealing pills, my girlfriend
8 observed and learned in May of 2013 I was talking -- taking
9 her through a -- "

10 MR. BLAIR: "Talking her through."

11 THE COURT: "Talking her through a" --

12 MR. BLAIR: "Drug deal."

13 THE COURT: " -- drug deal. I was on the phone when
14 she was in the possession. She was in the process of -- "

15 MR. BLAIR: "Making a drug deal." He was walking her
16 through it.

17 THE COURT: " -- making a drug deal." That's Count 7
18 and 8.

19 "While I was in DOC custody, I had my girlfriend
20 throw some tobacco products over the fence at the facility
21 I was at." That's Count 10.

22 "Just prior to going into custody on 2/13, my
23 girlfriend and I talked about applying to be a care
24 provider without actually doing any work. My girlfriend
25 got the application but we chose not to get" --

1 MR. BLAIR: Wasn't "chose."

2 THE COURT: Oh. "That we could not get approved
3 because of our backgrounds." That's Count 11.

4 And that's signed and that's your statement,
5 Mr. Amos?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: That's what happened with respect to each
8 one of these pleas?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: All right. Is that satisfactory for the
11 State's proof?

12 MR. HALSTEAD: Well, in addition to that, I would
13 just ask the Court to incorporate, along with that
14 statement -- I don't think there will be objection from Mr.
15 Blair on this -- the Probable Cause Statement in support of
16 the counts as well.

17 MR. BLAIR: We don't have any objection to that, Your
18 Honor.

19 THE COURT: All right. Okay. Is there anything else
20 from the State? We're not going to do sentencing today;
21 right?

22 MR. HALSTEAD: We're not. There are a few things I
23 would like at this point, Your Honor. I think the Class B
24 felonies, the deliveries, the maximum sentence for those is
25 ten years, \$20,000 fine, but there is the drug doubling

1 statute.

2 THE COURT: Right.

3 MR. HALSTEAD: Because he does have a prior. So I
4 just want to make sure that that has been explained to
5 Mr. Amos.

6 THE COURT: That's why I inquired when I did because
7 I wanted somebody to tell me because I can't remember
8 Mr. Amos's history. Under the drug doubling statute, if
9 you are convicted of a Class B offense for delivery and/or
10 possession with intent to deliver, you run the risk of the
11 maximum being double. Whereas it's a ten-year, \$20,000
12 max, it can double to a 20-year, \$20,000 max.

13 MR. BLAIR: Doesn't he have to be convicted of
14 possession with intent to deliver or delivery?

15 MR. HALSTEAD: He has to have a prior -- what's
16 classified as a drug conviction. Wouldn't be a simple
17 possession.

18 MR. BLAIR: He doesn't have anything other than a
19 simple possession.

20 THE COURT: Is that true, Mr. Halstead?

21 MR. HALSTEAD: I don't think that is true, but again,
22 it doesn't matter. He needs to be informed of that just --

23 THE COURT: As long as you're aware of that,
24 Mr. Amos, and you're entering these pleas -- now, it's my
25 understanding that the standard ranges I read out to you,

1 written out by Mr. Blair, represent the standard ranges
2 that you're facing. So that's the peril you're facing is
3 those standard ranges. And I don't believe there's any
4 aggravators here that would justify the Court doing an
5 exceptional sentence; correct?

6 MR. BLAIR: Correct.

7 MR. HALSTEAD: None that are charged. The statute
8 allows the Court to do that, but the State's not asking.

9 THE COURT: But the State's not going to be asking
10 for that. Do you understand that?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: So regardless of the doubling statute,
13 what you're looking at here is sentencing within the
14 standard ranges that Mr. Blair has written out that I went
15 over with you. Do you have any question about that?

16 THE DEFENDANT: No.

17 THE COURT: Okay.

18 MR. HALSTEAD: And then the other thing -- we will
19 have a criminal history prepared given the short time that
20 we had to get this together. We'll have that. The
21 defendant's also stipulating that none of the conduct he
22 just pled to constitutes the same criminal conduct. And as
23 part of the plea, he is waiving all of his appeal rights
24 with regard to this case and all of his PRP rights with
25 regard to this case. And we'll put that in writing and

1 have that prepared for sentencing as well.

2 MR. BLAIR: That language is included in the plea
3 form.

4 THE COURT: The plea form does say, "The defendant
5 stipulates that the counts he's pleading guilty to do not
6 constitute the same criminal conduct."

7 Do you understand what that means?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: You can't come back later on and argue
10 that this was all same criminal conduct; therefore the
11 sentencing ranges are incorrect. The recommendation that's
12 going to be made here are 120 months on felonies, 24 months
13 on gross misdemeanors, consecutive for a total of 144
14 months DOC. That's 12 years. And the other counts are
15 going to be dismissed and the other cause is going to be
16 dismissed. No other charges stemming from this time
17 period, 4 of '11 through 7 of '14 that the State is
18 presently aware of. And they also have in here that you're
19 waiving your right to file appeals and your right to file
20 personal restraint petitions in this matter. Do you
21 understand that?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Do you have any questions, Mr. Amos?

24 THE DEFENDANT: No.

25 THE COURT: This is your signature on this form and

1 you discussed this thoroughly with Mr. Blair, did you?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Do either counsel have a comment as to
4 the sufficiency of the plea here?

5 MR. BLAIR: No, Your Honor.

6 MR. HALSTEAD: No, sir.

7 THE COURT: All right. The Court finds that this
8 defendant is competent to knowingly and intelligently,
9 freely and voluntarily enter into the pleas. These pleas
10 are made on the advice of counsel with full knowledge of
11 the consequences and awareness of rights. With respect to
12 the charges that Mr. Amos pled guilty to, there's a factual
13 basis for those charges. I will accept those pleas and
14 find that Mr. Amos is guilty, Tampering With a Witness,
15 Count 1, which is denominated as Count 2 in the Original
16 Information; Computer Trespass, Third Degree, denominated
17 as Count 3 but actually is Count 2; Possession of Marijuana
18 With Intent to Manufacture Delivery, Count 4 on the
19 original Information, actually Count 3; Attempted
20 Possession of Marijuana with Intent to Manufacture Or
21 Deliver, Count 5, it's actually Count 4; Attempted Forgery,
22 Count 6, denominated in the modified Original Information,
23 it's actually Count 5; Count 7, which is actually Count 6
24 that he's pleading to, Possession of Controlled Substance
25 With Intent to Manufacture or Deliver, that's oxycodone;

1 Count 8, which is Count 7, Delivery of a Controlled
2 Substance, Oxycodone; Count 8 -- Count 10, which is
3 actually Count 8, Introducing Contraband in the Third
4 Degree; Count 11, which is actually Count 9, Attempted
5 Theft in the Second Degree; Count denominated as 12, which
6 is actually 10, Possession of Oxycodone received from
7 Katherine Miles with Intent to Manufacture Or Deliver;
8 Count denominated 13, which is actually Count 11, delivered
9 Oxycodone to Heather Calkins; Count denominated as 14,
10 which is actually Count 12, delivery of a controlled
11 substance, specifically oxycodone to Kari Arndt; Count 15
12 as it's denominated, actually Count 13, Possess with Intent
13 to Manufacture Oxycodone received from Ryan Shewell, his
14 prescription; and Count denominated as Count 16, which is
15 actually Count 14, did deliver oxycodone to Alana Shewell.
16 Mr. Amos is guilty of those counts. The remaining counts
17 in either the Amended Information or the Original
18 Information, to which he has not pled guilty, are being
19 dismissed. And pursuant to the State's motion, the
20 companion cause, 14-1-352-2, shall be and is dismissed, and
21 the trial set for that is stricken. And the trial set for
22 this one, 13-1-818, which I understand to be August 25, is
23 stricken.

24 MR. HALSTEAD: So I've handed up -- I know the
25 Court's already signed a new Conditions of Release pending

1 sentencing, and we'd just ask the Court to set it over to
2 set sentencing August 14.

3 MR. BLAIR: The only other issue, Your Honor, is
4 before Forrest came up, he and I had talked about this at
5 length, and he had discussed it with some of the jail
6 staff, specifically Jack Haskins. Mr. Haskins informed him
7 as soon as his plea went through he would be moved back to
8 general population because he's been essentially in
9 lockdown.

10 THE COURT: Isolation?

11 MR. BLAIR: Yeah. So he's going to be moved back to
12 general population. I don't know if in fact there was an
13 order entered, but Judge Hunt made some ruling as far as
14 not allowing Mr. Amos to use the telephone anymore on the
15 2014 case. And I think -- so whatever ruling that was is
16 gone now because of the 14 case, but I wanted the Court to
17 at least verbally indicate something that Mr. Amos is
18 allowed to have his phone privileges back.

19 Now, having said that, before Your Honor responds,
20 it's included in the Statement of Defendant on Plea of
21 Guilty, everybody has agreed, there won't be any further
22 charges. Let's say for argument's sake that they have some
23 aggressive detective that goes out there and starts digging
24 around again, what we've agreed on is anything that the
25 State or law enforcement was aware of will not be charged.

1 And we've put in there between April 2011 until July 2014,
2 which ends today because today's the last day. So if
3 Mr. Amos -- and I talked to him. If he decides to use the
4 phone -- use the phone for any other purpose other than
5 getting reacquainted with his friends and family, that
6 might be to his peril, and I've advised him in no uncertain
7 terms not to do that.

8 THE COURT: The order you're referring to that Judge
9 Hunt signed was the original Conditions of Release order
10 signed on June 18th. At that time, "The defendant shall
11 have no phone contact with anyone. Any mail he receives or
12 sends except that addressed to Mr. Blair or from Mr. Blair
13 shall be searched. Phone contact includes any
14 electronic" --

15 MR. BLAIR: That was in the 2014 case.

16 THE COURT: This is in the 2014 case.

17 MR. BLAIR: Which has been --

18 THE COURT: That's the order. Also I want to say I
19 think it's imperative that there be no general
20 dissemination of any information that we talked about two
21 days ago with respect to Mr. Amos having been cooperative
22 with any agents of state and/or federal law enforcement
23 while he was in the institution. I don't want it out if
24 he's going to go back into general population that Mr. Amos
25 in any way, shape, or form was cooperative because I think

1 that could be injurious to his health.

2 MR. BLAIR: I'm not going to say anything.

3 THE COURT: Okay, well, I want that specifically
4 understood that that's not something that needs to be
5 disseminated.

6 MR. BLAIR: Well, I know I'm not going to and I'm
7 guessing -- I'm assuming Mr. Amos is not going to do that,
8 so I'm guessing that was directed at the prosecutor and
9 their associates. I don't anticipate that they would find
10 the need to go and mention that to anybody anyway.

11 THE COURT: I don't think Mr. Halstead would either,
12 but...

13 MR. BLAIR: My guess is he'll probably pass that on
14 to law enforcement.

15 THE COURT: It's just a concern that I have.

16 (Conclusion of proceedings)

17

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19

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1 CERTIFICATE OF REPORTER

2
3 STATE OF WASHINGTON)

4 COUNTY OF LEWIS)

5
6 I, KELLIE A. SMITH, RPR, CRR, Official Reporter of
7 the Superior Court of the State of Washington, in and
8 for the County of Lewis, do hereby certify:

9 That I was authorized to and did stenographically
10 report the foregoing proceedings held in the
11 above-entitled matter, as designated by Counsel to be
12 included in the transcript, and that the transcript is a
13 true and complete record of my stenographic notes.

14 Dated this day, January 6, 2015.

15
16
17
18
19 KELLIE A. SMITH, RPR, CRR
20 Official Court Reporter
21 Certificate No. 1950
22
23
24
25

Appendix J

Verbatim Report of Proceedings

Sentencing (8/20/2014)

1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
2 IN AND FOR THE COUNTY OF LEWIS
3 DEPARTMENT 3

4
5 STATE OF WASHINGTON,)
6 Plaintiff,) No. 13-1-00818-6
7 vs.)
8 FORREST AMOS,)
9 Defendant.) SENTENCING
10)

11
12 VERBATIM TRANSCRIPT OF PROCEEDINGS
13

14 August 20, 2014
15 Lewis County Law & Justice Center
16 Chehalis, Washington
17 before the
18 HONORABLE RICHARD L. BROSEY
19 REPORTED BY: KELLIE A. SMITH, CCR, RPR, CRR
20
21 For the State: WILLIAM HALSTEAD
22 Deputy Prosecuting Attorney
23
24 For the Defendant: DONALD BLAIR
25 Attorney at Law

1 August 20, 2014

2
3 THE COURT: Mr. Halstead, call your case.

4 MR. HALSTEAD: Good afternoon, Your Honor. This is
5 State vs. Forrest Amos, Cause 13-1-818-6. Will Halstead on
6 behalf of the State. Mr. Blair here on behalf of the
7 defendant, who is present in custody. The matter's before
8 the Court for sentencing. I've handed to the Court quite a
9 few items that we didn't have last time when Mr. Amos pled
10 guilty.

11 First of all, there's now a stipulation before the
12 Court that I believe all the parties have signed off on. I
13 have also filed the Third Amended Information which
14 reflects all the changes that needed to be made in the
15 Information. I provided a copy of that to Mr. Blair. And
16 the other thing I've handed up and has been signed by Mr.
17 Blair and his client is the waiver of appeal rights and the
18 waiver of his collateral attack rights. So we probably
19 need to address those again.

20 THE COURT: The record reflects that Mr. Amos, who's
21 known to the Court by sight, is present with Mr. Blair.
22 Mr. Blair?

23 MR. BLAIR: Thank you, Your Honor. And I think
24 everything that the prosecutor just relayed to the Court,
25 we had gone over -- we, Your Honor, myself and my client

1 and Mr. Halstead had gone all over all of those things at
2 the time that Your Honor took the pleas on the, I think, 14
3 counts. So we are ready to go, and as we indicated at the
4 time of the plea, this has been an extensively negotiated
5 and completely agreed request as far as sentencing goes.

6 THE COURT: So we now have the filing of the proper
7 Third Amended Information. In as much as Mr. Amos entered
8 his pleas pursuant to the -- I believe it was the Second
9 Amended with the interlineations, do we need to do anything
10 with the third other than file it?

11 MR. BLAIR: No, and it wasn't the Second Amended.

12 MR. HALSTEAD: It was the Original Information. We
13 went back, worked off of that. So this Third Amended
14 Information is actually the original. We took out Counts 1
15 and 9 and that's actually reflected.

16 THE COURT: So basically it's there basically just to
17 reflect the record.

18 MR. HALSTEAD: Just to clean it up.

19 THE COURT: Do you understand that, Mr. Amos?

20 THE DEFENDANT: Yes.

21 THE COURT: Any question about it?

22 THE DEFENDANT: No.

23 THE COURT: All right. And also this purported
24 waiver of right to withdraw or appeal his plea of plea, do
25 you want me to just file that as well?

1 MR. BLAIR: Please.

2 THE COURT: Okay. So we're moving on then to
3 sentencing?

4 MR. HALSTEAD: We are, Your Honor. This is an agreed
5 recommendation to the Court by the parties. There are
6 quite a few counts. I'll try to make this as simple as
7 possible. Going to go through each count. Beginning with
8 Count 2, the State's recommendation is for 60 months; Count
9 3, 57 months; Count 4, 24 months. I'm going to skip 5 and
10 6 for the time being. I'm going to come back to those two.
11 Count 7, 120 months; Count 8, 120 months; Count 10, 90
12 days; Count 11, 364 days with zero suspended; Count 12, 120
13 months; Count 13, 120 months; Count 14, 15 and 16, all 120
14 months. Those counts all to be run concurrent to one
15 another, which would be a sentence of ten years.

16 Going back to Count 5, the State's recommending on
17 Count 5 364 days with zero suspended. This is all agreed
18 again. Consecutive to the 120 months on the other counts
19 I've already spoken about.

20 With regard to Count 6, that is also a gross
21 misdemeanor. 364 days on that count, zero suspended,
22 consecutive to the previously imposed -- if the Court
23 follows the recommendation -- 120 months, and consecutive
24 to Count 5. So the total time would be 144 months, or 12
25 years. At this point, I've calculated -- I think defense

1 counsel agrees he has 262 days of credit, and I would ask
2 the Court to apply that credit to one of the gross
3 misdemeanors so that he gets credit on that as opposed to
4 the time he's going to have to do in DOC so he can do that
5 time in DOC and not have to come back to the jail. Because
6 that's going to be an issue. I've already been contacted
7 by the jail. They want to know if he can do the whole
8 sentence in DOC. Of course we don't have any problem with
9 that, but if he's got time left over, DOC's probably going
10 to send him back.

11 THE COURT: The name of the game is when Mr. Amos is
12 done with DOC, Mr. Amos wants to be done, period.

13 MR. BLAIR: Yes.

14 MR. HALSTEAD: I'm assuming that's correct, and the
15 jail also wants to be finished with him. But, you know,
16 all we can do is hope that DOC will house him for the
17 entire time, but it will help if he gets that 262 days
18 toward one of the gross misdemeanors.

19 With regard to costs and assessments, there's the
20 \$500 crime victim assessment, \$200 filing fee, service fees
21 in the amount of \$258.70, Mr. Blair's fees, which comes to
22 \$13,822.50, VUCSA fine of \$3,000, contribution to the Lewis
23 County drug fund of \$500, crime lab fee of a hundred
24 dollars. The last conviction in Lewis County was in 2013,
25 so I don't think we need DNA from him again. I'm going to

1 leave it up to the Court as to whether or not the Court
2 wishes to impose jail costs. I would ask the Court to
3 reserve restitution. I don't anticipate there will be any
4 in any of the cases, but I'm just going to ask the Court to
5 reserve that. There will be community custody on Counts 4,
6 7, 8, 12, 13, 14, 15, and 16 for up to 12 months because
7 those are all drug offenses.

8 THE COURT: And that's concurrent community custody?

9 MR. HALSTEAD: Yes.

10 THE COURT: All right.

11 MR. HALSTEAD: That's all the State has, Your Honor.

12 THE COURT: Mr. Blair?

13 MR. BLAIR: Thank you, Your Honor. I actually think
14 there's a provision where these gross misdemeanors can be
15 served in the Department of Corrections.

16 THE COURT: I think the jail's a little gun shy
17 because of the game that Judge Buzzard in District Court
18 played with Mr. Tracy. Mr. Tracy, who's sitting on a DOC
19 commit that I gave him, has been wasting his time sitting
20 in our county jail.

21 MR. BLAIR: And I agree with that, but the issue
22 there is that district court case was not connected with a
23 felony case, though. That's the difference. My
24 understanding is that when gross misdemeanors are sentenced
25 alongside felonies, they can actually do the gross

1 misdemeanor time at DOC. I think there's a case right on
2 point.

3 MR. HALSTEAD: I agree with that, but I don't think
4 DOC has to at the time.

5 THE COURT: Right.

6 MR. BLAIR: So in listening to Mr. Halstead, we are
7 in agreement -- we -- well, it's an understatement that
8 this is an extensively negotiated case, so it is --
9 everything that the prosecutor just said, it is agreed.
10 And I talked with Mr. Amos at length. He understands
11 everything that's going on here. I don't know if he wants
12 to address the Court or not.

13 THE COURT: Well, I'm going to give him the
14 opportunity to do so. Mr. Amos, is there anything you want
15 to say?

16 THE DEFENDANT: No, Your Honor.

17 THE COURT: Okay. Mr. Halstead, anything else?

18 MR. HALSTEAD: No, sir.

19 THE COURT: Be the judgment of the Court on Count 2,
20 60 months; count 3, 57 months; Count 4, 24 months; Count 7,
21 120 months; Count 8, 120 months; Count 10, 90 days; Count
22 11, 364 days; Count 12, 120 months; Count 13, 120 months;
23 Count 14, 120 months; Count 15, 120 months; Count 16, 120
24 months. On Count 5, 364 days with no days suspended. On
25 Count 6, 364 days with no days suspended. Credit for time

1 served of 262 days on Count 6. The time imposed on Counts
2 2, 3, 4, 7, 8, 10, 11, 12, 13, 14, 15, and 16 is
3 concurrent. The time imposed on Count 5 is consecutive to
4 that imposed concurrently on the other counts. The time on
5 Count 6 is consecutive to Count 5, and consecutive to the
6 time imposed on Counts 2, 3, 4, 7, 8, 10, 11, 12, 13, 14,
7 15, and 16.

8 Legal financial obligations: \$200 filing fee, \$500
9 crime victim, \$258.70 in service, \$3,000 VUCSA fine, \$500
10 drug fund contribution, hundred dollar lab fee, restitution
11 to be determined, if any, within 180 days. And I don't
12 know about this attorney fee. I've got to look at this
13 bill.

14 MR. BLAIR: Mr. Amos indicated that he would waive
15 his appearance at any restitution hearing.

16 THE COURT: All right. Attorney fee recovery of
17 \$13,822.50. All financial obligations payable at the rate
18 of not less than \$25 a month starting 60 days. I am not
19 imposing a jail fee. Mr. Blair, you and Mr. Amos are
20 stipulating that this is in fact an accurate statement of
21 his prior criminal offender score?

22 MR. BLAIR: Yes, Your Honor.

23 THE COURT: And record; correct?

24 MR. BLAIR: Yes.

25 THE COURT: Okay. All right. Did you review the

1 documents with Mr. Blair?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Do you agree they say in writing what I
4 said out loud?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Any questions?

7 THE DEFENDANT: No.

8 THE COURT: This is another conviction for a felony
9 offense in the state of Washington. Because of this and
10 your other convictions, any right that you may have had to
11 possess a firearm or gun is revoked. You may not under any
12 circumstances possess any kind of a firearm or gun
13 including a black powder rifle or pistol unless or until
14 your right to have a firearm is restored. Given your
15 criminal history, it's highly unlikely your firearm right
16 will be restorable absent a pardon from the governor. But
17 at a bare minimum, you would have to be crime free and law
18 abiding for a minimum period of five years after you're off
19 of all conditions of community custody and supervision.
20 You would then have to file a petition with the superior
21 court in the county which you then lived asking the Court
22 to restore your firearm rights. The judge would have to
23 find that he or she had the authority to do that and sign
24 an order to that effect. Unless or until that happens, if
25 you possess any kind of a firearm, it's at least a Class B

1 felony. This county, among others, prosecutes that
2 particular crime. So no guns in your house, car,
3 apartment. Don't be around anybody with a gun. No hunting
4 or target shooting with any kind of a gun including a black
5 powder rifle or pistol.

6 You're on community custody on a number of these
7 counts for --

8 MR. BLAIR: Just one.

9 MR. HALSTEAD: Just the one.

10 THE COURT: Okay. For up to 12 months. During that
11 period of time you're expected to do what's required by
12 DOC. If you violate the terms and conditions of DOC, as
13 you already know, they can bring you back for a probation
14 violation. Those are up to 60 days in jail per violation.

15 Lastly, you've lost your right to vote. Don't vote,
16 don't attempt to vote, don't even register to vote unless
17 or until you receive a certificate of discharge from the
18 office of the county clerk which signifies that you've
19 satisfied the financial aspects of the judgment and
20 sentence. When you get such a notice it's lawful for you
21 to register to vote and vote. If you do it before you get
22 such a notice you're committing a crime. Any questions?

23 THE DEFENDANT: No.

24 THE COURT: We're all done.

25 (Conclusion of proceedings)

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CERTIFICATE OF REPORTER

STATE OF WASHINGTON)
COUNTY OF LEWIS)

I, KELLIE A. SMITH, RPR, CRR, Official Reporter of
the Superior Court of the State of Washington, in and
for the County of Lewis, do hereby certify:

That I was authorized to and did stenographically
report the foregoing proceedings held in the
above-entitled matter, as designated by Counsel to be
included in the transcript, and that the transcript is a
true and complete record of my stenographic notes.

Dated this day, January 6, 2015.

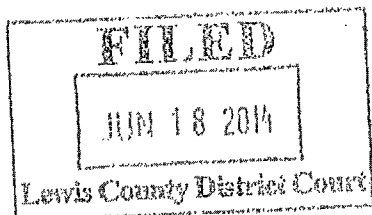
KELLIE A. SMITH, RPR, CRR
Official Court Reporter
Certificate No. 1950

Appendix K

Affidavit for Search Warrant

Case No. 13A7516

IN THE DISTRICT COURT FOR LEWIS COUNTY
STATE OF WASHINGTON



NO. 147 149

CASE# 13A7516

IN RE: 1) Lewis County Jail
28 SW Chehalis Ave
Chehalis WA 98532
Cell block D2-Down 1 (D1)

SEARCH WARRANT AFFIDAVIT

Evidence of a Crime:

RCW 9A.72.110 Intimidating a Witness

RCW 9A.72.120 Tampering with a Witness

STATE OF WASHINGTON)
) ss.
COUNTY OF LEWIS)

Comes now Officer A.P. Haggerty #328, who being first duly sworn, on oath,
deposes and says:

I. QUALIFICATIONS

I have been a commissioned police officer in the State of Washington since February 1st, 2007. I
have attended the Washington State Criminal Justice Training Commission's 720 hour academy

AFFIDAVIT SEARCH WARRANT
EVIDENCE OF A CRIME

Revised 6/17/2014

and graduated in June 2007. While working as a police officer, I have attended numerous narcotic specific training classes hosted by agencies such the Drug Enforcement Agency, MCTC, The 420 Club and St. Petersburg College. I have attended approximately 30 hours in marihuana cultivation training taught by the DEA and Royal Mounted Canadian Police. My training and experience in marihuana cultivation has led me to seizing over 30 pounds of dried marihuana, hundreds of marihuana plants growing in various stages in numerous rooms and houses. I have dealt in marihuana from simple possession cases, possession with intent to deliver and I have also done successful controlled purchases of marihuana which yielded convictions accordingly. During my career I have also dealt with Marihuana ranging from simple possession, possession with the intent to deliver and I have also successfully conducted numerous controlled purchase using confidential informants and undercover police officers.

In dealing with Methamphetamines and MDMA, I have done controlled purchases using informants to obtain MDMA, Methamphetamines and Ecstasy. During these investigation and in working with other State, Federal and local law enforcement, over 1000 tablets of Ecstasy were seized, numerous ounces of MDMA and over 100 pounds of Methamphetamines were eradicated.

I have attended the Drug Enforcement Administration's Basic training course which consists of 80 hours/ 2 weeks of in-depth training that included how to conduct covert rolling and stationary surveillance, conducting controlled purchases of narcotics in an undercover capacity, financial investigations and the operations of the drug underworld. Included in this training were specific blocks of instruction on how drug dealers manufacture marihuana, methamphetamines, cocaine and tar heroin. I was also instructed on how drug dealers store and hide narcotics, evidence of drug dealing and where proceeds from drug sales are hidden and funneled through financial investments. One section of this training that has been frequently updated is how drug dealers and co-conspirators use electronic storage devices, such as cell phones, smart phones, laptop and home computers, Tablets such as I-pads and Notebooks as well as SIM cards and USB

Thumb drives to store evidence of drug sales, customers, suppliers and messages regarding drug sales.

In regards to this case, I have conducted Leading Organized Crime cases, Tampering and Intimidating a Witness cases and made numerous arrests accordingly.

II. PROBABLE CAUSE

In December 2013, Forrest E Amos was released and transported from Stafford Creek Corrections Center in Aberdeen Washington to the Lewis County Jail where he was booked into custody on a new charge of Leading Organized Crime. This charge, among many, stemmed from Amos utilizing the phone system at the Washington State Department of Corrections to orchestrate the sales of prescription medications and tamper with a potential witness. After being booked into the Lewis County Jail, Amos once again began using the jail phone system, mailing system and live video feed to gather supporters, who in turn would help Amos tamper with witnesses in an attempt to get out of his pending charges. The details are as follows:

While using the Lewis County Jail phone system, Amos contacted numerous people in an attempt to tamper with witnesses and build a defense. The original game plan for Amos was to have his associates and family members befriend a key witness to his case, Jennifer Lantau and convince her to not testify against Amos. Lantau had previously signed an agreement in the company of her defense attorney and the lead Prosecuting Attorney stating that in exchange for her charges and serving up to 84 months in prison, she would testify against Amos in his upcoming trial. Lantau was released from the Lewis County Jail under these conditions. As Amos received his discovery from his court appointed defense attorney, he saw that Lantau was on the witness list. Amos also learned the conditions of Lantau's release. While using family members such as his brothers Zach and Clifford along with his mother Shellie Belfiori who lives in Michigan, and sister, Sylvia Pittman, Amos was successful in communicating with Lantau and obtaining her most recent cell phone numbers as she changed them. Lantau in turn worked with Pittman and Belfiori and obtained an alias to call and see Amos via Homewave. Lantau's listed alias was Jessica Sherman. This alias and account is believed to be set up by Pittman as her email address and home address were used to establish the account.

While monitoring Amos's activities, law enforcement learned that Amos was using other inmates to make phone calls on his behalf. Of the calls made, some were noted as being to Lantau by other inmates, one of which is believed to be Alex Folden. Some other facts noted was how Amos was directing friends and family to send him correspondence via "legal mail". After further investigation, law enforcement learned that Amos was using

"legal mail" to continue his criminal intentions from behind bars without detection. The reason Amos used "legal mail" is because he believes it is protected under Attorney-Client privileges. After developing this fact, I contacted the Lewis County Jail and spoke to Lt. Pea. Lt. Pea assured me that this idea was not possible but it was later discovered that indeed it was.

As law enforcement continued to monitor Amos, we continued to reveal facts that Amos is currently using family to contact Lantau, a key witness. Amos's mother, Belfiori, who lives in Michigan is listed as the recipient on several post cards that are believed to be intended for Lantau. The verbiage and wording in the postcards could only be for Lantau unless Amos spontaneously grew intimate feeling for his mother. Amos was also noted as calling Lantau from inmate Anthony Pyper's PIN number and addressing Lantau as "mommy". Lantau reciprocated these calls by addressing Amos as "daddy". The numbers Amos called to talk with Lantau are 360-324-8002, 360-669-3112 and 360-520-2839.

On April 8th 2014, I was contacted by staff at the Lewis County Jail. While doing a routine cell search, Correction Deputies located a note in the cell belonging to Alex Folden and Ammahad Bradley. The note was hand written in unique Forrest Amos hand writing and read "SEND ALL TEXT TO HER GET KENNY TO ADMIT EVERYTHING". Above this note was the writing "LIZ" and the phone number "360-324-2741". From our previous investigation into Amos, we knew that while he was incarcerated, Lantau had cheated on Amos with Kenny Vowell. Amos learned this fact and was still using it, months later, to guilt Lantau into feeling bad for him and most likely to not testify against. As noted in the previous arrest reports, Amos had Zach Amos hack into Lantau's social media sites and print off personal messages with others in an attempt to discredit her and note her infidelity. The seized note was ripped from a legal document belonging to Amos as his name and two Washington State Department of Corrections employees' names were listed on the back side. After obtaining the note, I interviewed Alex Folden and was told that it was an innocent letter intended for Liz Teeter, one of Amos's current girlfriends.

On 4-15-14, I was contacted by a credible and reliable source who has been deemed as such while working with law enforcement. This source will be listed as CS 153 hereinafter. CS 153 told me that Amos had begun gathering associates to go after witnesses in his pending case more aggressively. CS 153 told me that Amos wanted physical harm done to some witnesses and drugs and a gun planted on another. The details provided to me on this date were as follows:

Amos wanted supporters to drive to Port Orchard and physically harm Ryan "No Legs" Shewell. Amos then wanted supporters to plant "dope and a gun" in the vehicle of Heather Calkins. Amos also wanted supporters to "Keep Lantau quiet." The meaning of this request was interpreted as not causing physical harm but instead use intimidation. While making these requests, Amos provided specific details including Calkins' place of employment and phone number. When asked for more details, CS 153 stated that Amos's sister, Sylvia Pittman is playing a large role in these events taking place. Other listed supports/ conspirators were noted as being "A-Rod", a.k.a. Alex Arthur Schon DOB/9-5-89, Clifford Amos and Alex Folden. While listening back to calls Amos had

made on March 4th 2014, it was noted that Amos told Liz Teeter that she was to call his father ASAP as he had a note for her.

On 4-22-14, I was contacted by CS 153 and advised that Sylvia Pittman had a "hit list" from Amos. This list was delivered by Sylvia Pittman to Alex Folden and legally intercepted upon receipt. The letter was contained in a LCSO envelope. Sylvia Pittman delivered the letter to Folden in the Azteca parking lot in Centralia. Pittman was driving a maroon Scion and used the cell phone number 360-508-3186 to facilitate this exchange. The envelope had been handled by many but the letter inside had not. While using latex gloves, I removed and read the letter. The contents listed the names and addresses of 4 key witnesses to Amos's pending case. The handwriting was noted as being Amos's as it is very unique. The details provided next to 3 of the 4 witnesses were obvious to law enforcement but slightly encoded directions of what to do to each. This letter was taken directly to the LCSO evidence team where it was sprayed with ninhydrin to obtain finger prints. Once the prints had appeared, I drove the letter to the Washington State Patrol Crime Lab in Tumwater where it was analyzed further. After receiving the results, it was noted that 3 of the 13 lifted latent prints belonged to Sylvia Pittman, proof that she had handled the letter. There are several more prints available to be analyzed.

After seeing the details of the letter, I spoke with CS 153 again. CS 153 stated that they have first hand knowledge of the letter and knew it to be mailed by Amos via legal mail from the Lewis County Jail. The intent of the witnesses was also known and Amos's intent is as follows:

Heather Calkins: Amos's intent was to have heroin and a gun planted in her vehicle. Clifford Amos was to supply the heroin for this deal. The next step was to call Crime Stoppers and report that Calkins was transporting heroin and a firearm in her vehicle. Amos wanted Nick Amos and Mark Russell to film this in an attempt to discredit her testimony against him.

Ryan Craig Shewell: Amos's intent was to either cut the brakes on Shewell's vehicle or place a car bomb on it. The intent of cutting the brakes is due to the fact that Shewell has no legs and would not be able to simply jump out of a moving vehicle. Shewell feared Amos and his retaliation. Shewell moved out of the area after agreeing to testify.

Katherine Levy miles: Amos's intent was to verbally intimidate Miles and she was another key witness.

Kari Arndt-McBride: Amos wanted his supporters to intimidate and possibly go to her house and cause physical harm. As noted in Amos's "hit list", Arndt-McBride's house contains lots of people, one of which is military. Amos's cautions the people reading the letter "Don Not Approach House Very Alert For Real". The known company associated with Arndt, HillJack Beef is also noted.

After reading the letter sent by Amos, it was very obvious that he obtained the full case report containing all of the details of his report and other documents regarding his pending trial. To ensure the witnesses safety, I contacted Heather Calkins. Heather told

me that she had been contacted by Nick Amos, Forrest's brother or cousin and told that he intended to plant a gun and drugs in her vehicle. Nick Amos is a law abiding person who knows Calkins through work. Nick told Calkins this fact to ensure her safety. Calkins stated that she had previously received a phone call from a blocked number and altered voice. The caller accused her of being the person who bought pills from Lantau and called her a racial remark based on her preference of male friends' nationality. Based on Amos's intent to go after Calkins, she stated that it caused her to change her ways of life. Calkins has had to spend money to install a security system in her house, drive other cars not belonging to her and she also has armed herself with a firearm.

On 6-17-14 at 0900 hrs, I met with Senior Prosecuting Attorney W. Halstead, Defense Attorney D. Arcuri and Jennifer Lantau at the Prosecutor's Office. Prior to this meeting a warrant was secured for her arrest based on her violating the conditions of her release. While talking with Lantau, she stated that she has been talking to Amos while he used his and other inmate's phone accounts. Lantau told me that she received an 8 page letter from Amos that was sent from the jail to her via "legal Mail" and through an associate named Brett Warness. Lantau went on to tell us that Amos's mother, Shelli Belfiori had contacted her on Amos's behalf and told her that serving 7 years in prison wasn't that bad insinuating to the fact that she should not testify against Amos in his upcoming trial. Lantau also told us that Belfiori had called her recently and read a post card from Amos to Belfiori that was actually intended for Lantau. Lantau told us that she was familiar with Amos's scheme to send letters that he did not want law enforcement to see via "legal mail". Lantau was also familiar with how Amos would receive letters via "legal mail".

On 6-17-14 at approximately 1430 hrs, law enforcement had contacted Sylvia Pittman and used a ruse to coerce her into coming to the Lewis County Courthouse to pick up a vehicle. Pittman arrived soon after and was taken into custody without issue. I advised Pittman of her Miranda Warnings to which she acknowledged and waived. I told Pittman what charges she was facing and what evidence I had. Pittman admitted to receiving the "hit list" letter written by Amos and also to reading it and having knowledge of what Amos's intent was. Pittman admitted that she was trying to help Amos beat his charges. Pittman was walked into the jail where she was booked into custody on 4 counts of Intimidating a Witness.

At the end of this investigation, the Centralia Police Department Anti Crime Team and the Lewis County Prosecutor's Office revealed the following facts about Forrest E Amos's activities while incarcerated in the Lewis County Jail:

Forrest Amos violated the jail phone system policy by using other inmates phone lines to contact Jennifer Lantau, Liz Teeter and other associates. Forrest Amos used the jail mail system to send letters via "legal mail" with one of many intercepted that listed his intent to have others harm witnesses in his current pending case. Amos is heard on numerous phone calls telling others to send him letters via "legal mail" to avoid detection. Forrest Amos directed other inmates and family to contact Lantau on his behalf, knowing that she was a key witness in his case. Forrest Amos called numerous associates and had them make three way calls to others, some of which were caught and others that were not.

This too is a clear violation of the jail phone system policy. Forrest Amos sent postcards to his mother in Michigan knowing that the verbiage would be relayed to Lantau via phone. It is the belief of CS 153 that Amos is in the Lewis County Jail currently intending on all of his charges to be dismissed due to lack of witnesses based on his requests to harm them or intimidate them. It is also believed that Amos may have more incriminating letters in his jail cell, D2, and property at the Lewis County Jail based on his statements and past letters sent out to his associates. I have spoken with Lewis County Jail staff and was advised that anything belonging to Amos would either be in his cell or in his property located at the Lewis County Jail.

III. CONFIDENTIAL SOURCE

I have worked with CS 153 for over a year. CS 153 has provided a vast amount of information to law enforcement that was independently corroborated. CS 153 does have at least one conviction for a crime of deception.

IV. AFFIANT'S KNOWLEDGE

I have been a commissioned police officer for over 7 years. During the course of my duties as a patrol officer, lead supervisor and now with the Anti Crime Team, I have investigated many felony crimes that involve witnesses. I have learned through these cases that sometimes the primary suspect will attempt to sway their statements via coercion or force. I also know suspects to have associates do the intimidating and tampering for them in an attempt to separate themselves from new crimes. Regarding this particular investigation, Forrest E Amos has been at the Lewis County Jail since December 2013. Amos has a designated cell and a designated property container that only staff and he can access. Based on Amos openly telling others to send him items via "legal mail" and also sending items himself via "legal mail", it is my belief that the intercepted "hit list" letter was drafted inside of the Lewis County Jail by Amos and sent via "legal mail".

I have conducted numerous investigations where suspect hide and conceal evidence in the most difficult of spaces, nooks and crannies. I have also training and experience in which inmates hide incriminating evidence in mattresses, light fixtures, toilet fixtures and hygiene containers. Based on Forrest Amos's limited living space and availabilities, it is my belief that evidence of the aforementioned crimes will be located in his living space and personal property.

V. AFFIANT'S REQUEST

Your affiant would therefore request a Search Warrant to search:

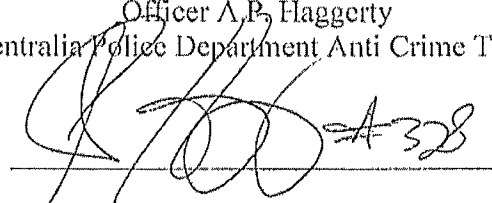
1) Lewis County Jail
28 SW Chehalis Ave
Chehalis WA 98532
Cell block D2-Down 1 (D1)

To wit:

I am looking for:

1. Any and all stationary, pens, pencils, paper, postcards, photographs and real property used to write letters, post cards, and personal letters to associates on the inside and outside of the Lewis County Jail.
2. Any and all letters drafted by Amos or intended for Amos that he received while incarcerated at the Lewis County Jail.
3. Any and all mail addressed as "legal mail", including but not limited letters sent by Amos or received by Amos. These letters are to be inspected to confirm the authenticity of whether of not Defense Attorney Don Blair was the actual sender/ recipient.
4. Any and all address books, phone books, friend lists, passwords for email, social media, witness names, addresses and phones numbers that may be hand written or listed on police reports or other documents.

Officer A.P. Haggerty
Centralia Police Department Anti Crime Team

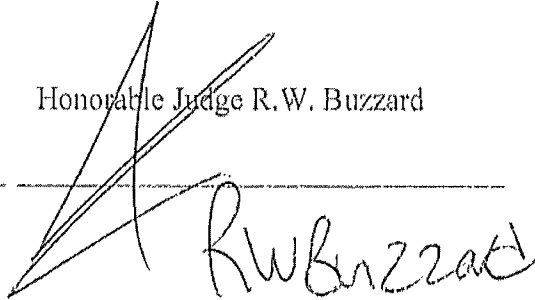
A handwritten signature in black ink, appearing to be 'A.P. Haggerty', is written over a horizontal line. The signature is stylized and includes the number '328' at the end.

AFFIDAVIT SEARCH WARRANT
EVIDENCE OF A CRIME

Revised 6/17/2014

SUBSCRIBED and SWORN to before me this 17th day of June, 2014.

Honorable Judge R.W. Buzzard

A handwritten signature in dark ink, appearing to read "RWBuzzard", is written over a horizontal line.

State of Washington)
County of Lewis) ss

The undersigned does hereby certify that the foregoing is a true and correct copy of the original on file in the office of the Lewis County District Court.
Dated this 18th day of June 20 14

Pamela Skuer
Clerk, Lewis County District Court
By Debra Collier, Deputy

Appendix L

Affidavit of Adam Haggerty

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IN THE SUPERIOR COURT OF STATE OF WASHINGTON
FOR LEWIS COUNTY

STATE OF WASHINGTON,
Plaintiff,

vs.

FORREST EUGENE AMOS,
Defendant,

NO. 13-1-00818-6

AFFIDAVIT OF ADAM HAGGERTY

THE undersigned on oath states:

I am a Police Officer with the Centralia Police Department and have been so since May 2011.

1. I conducted part of an investigation into Forrest Amos regarding his activities surrounding Leading Organized Crime. In December 2013 Mr. Amos was released from Stafford Creek Corrections Center and transported to the Lewis County Jail, where he was booked and held on a new charge of Leading Organized Crime.
2. Part of the allegation for the charges involved Mr. Amos utilizing the phone system at Washington State Department of Corrections to orchestrate the sales of prescription medications and tamper with potential witnesses.

- 1 3. Mr. Amos continued these activities once inside the Lewis County Jail,
2 contacting people using the Lewis County Jail phone system in an attempt to
3 tamper with witnesses and build a defense to the pending charges.
- 4 4. While monitoring Mr. Amos' activities inside the Lewis County Jail, law
5 enforcement learned that Mr. Amos was directing friends and family to send him
6 correspondence via "legal mail."
- 7 5. After further investigation, it was learned that Mr. Amos was using "legal mail" to
8 continue his attempts to build his criminal enterprise without detection while
9 being incarcerated.
- 10 6. The reason for using the designation "legal mail" on mail is Mr. Amos would be
11 protected under attorney-client privilege and the jail would not interfere with the
12 mail or read it.
- 13 7. On June 17, 2014 I obtained a search warrant for Mr. Amos' cell at the Lewis
14 County Jail.
- 15 8. On June 18, 2014 I executed the search warrant on Mr. Amos' cell at the Lewis
16 County Jail.
- 17 9. I collected paper and letters, with the exceptions of papers that were clearly in
18 regards to Department of Corrections matters.
- 19 10. I put all the collected items from Mr. Amos' cell into a trash bag, knotted the bag
20 and took it to the Centralia evidence facility where it was placed inside a box and
21 sealed with evidence tape. The contents of the bag/box were not examined by
22 myself or any other member of law enforcement.
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1 11. In order to protect Mr. Amos' attorney client privilege an in camera review of the
2 documents was set up with Lewis County Superior Court Judge Nelson Hunt.
3 Judge Hunt looked over each document, without me seeing the contents of the
4 document, before deciding what documents I was able to collect for evidence.

5 12. Judge Hunt pulled aside a few documents that I was not allowed to have,
6 presumably because they contained privileged information. I never saw what
7 those documents were and I do not know what Judge Hunt did with them,
8 although I thought he was going to give them to Mr. Amos' attorney.

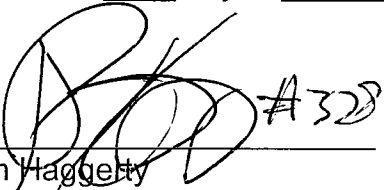
9 13. I was never instructed by anyone at the Lewis County Prosecutor's Office to
10 conduct an investigation regarding the "legal mail", seek the search warrant, or
11 execute the search warrant.

12 14. I did not turn over any of Mr. Amos' attorney client communication to the Lewis
13 County Prosecutor's Office.

14 15. I did not tell anyone at the Lewis County Prosecutor's Office any information
15 about the content of communication between Mr. Amos and his attorney.

16 I certify (or declare) under penalty of perjury under the laws of the State of Washington
17 that the foregoing is true and correct.

18 DATED this 22nd day of March, 2016, at Chehalis, Washington.

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Adam Haggerty
Centralia Police Officer

Appendix M

Affidavit of William J. Halstead

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IN THE SUPERIOR COURT OF STATE OF WASHINGTON
FOR LEWIS COUNTY

STATE OF WASHINGTON,
Plaintiff,

vs.

FORREST EUGENE AMOS,
Defendant,

NO. 13-1-00818-6

AFFIDAVIT OF WILLIAM J.
HALSTEAD

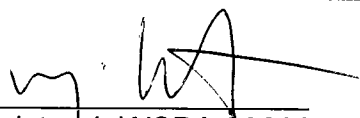
THE undersigned on oath states:

I am a Deputy Prosecuting Attorney for the Lewis County Prosecuting Attorney's
Office and have been since February 2011.

1. I was assigned to handle the criminal case, Lewis County Cause No. 13-1-818-6,
against Forrest Amos.
2. During the pendency of the criminal case a search warrant was obtained and
executed at the Lewis County jail cell of Forrest Amos by officers from the
Centralia Police Department.
3. I did not instruct the Centralia officers to seek the search warrant or to execute
the search warrant.
4. After the warrant was executed it is my understanding the seized documents
were taken to the Centralia Police Department where they were stored until
Judge Nelson Hunt reviewed them in camera.

1 5. At no time did I possess the items seized as a result of the search warrant.
2 I certify (or declare) under penalty of perjury under the laws of the State of Washington
3 that the foregoing is true and correct.
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6 DATED this 21 day of MARCH, 2016, at Chehalis, Washington.

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9 William Halstead, WSBA 23838
Lewis County Deputy Prosecuting Attorney

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Appendix N

Centralia Supplemental Police Report

13A7516 06/19/14



Centralia Police Department

Supplemental Report

Incident #: 13A7516

Incident: All Other Crimes

Area: Area 2 Centralia City

Location: 118 W Maple St; Centralia PD

When Reported: 10:48:46 05/20/13

Occurred Between: 10:48:39 05/20/13

And: 10:48:39 05/20/13

VICTIMS:

1) **Name:** CALKINS, HEATHER RENEE

DOB: 04/04/82

Race/Sex: W/F

Address: 2016 Ahlers Ave

Centralia, WA 98531

Home Phone: (360)736-2213

Work Phone: (360)520-1017

Employer:

SUPPLEMENTAL NARRATIVE:

Name: Haggerty A

Date: 18:34:49 06/19/14

CENTRALIA PD SUPPLEMENTAL REPORT

DISTRIBUTION:

CASE #: 13A7516

OFFICER: Haggerty

INCIDENT TYPE:

REVIEWED BY:

CASE STATUS:

On 6-17-14, I applied for and was granted a search warrant to search Forrest Eugene Amos's jail cell identified as "D-2/ down 1-Down 1" by the Honorable Judge R.W. Buzzard. On 6-18-14 at approximately 0800 hours, I executed the search warrant with the assistance of LCSO jail staff. Amos was handed a copy of the search warrant. I told Amos what I would be seizing and he initially told me that I could not. Amos's main concern was that I would be seizing documents for his civil lawsuit against the Washington State Department of Corrections. I assured Amos that I would not take anything that was obviously related to that case.

Upon entry of the jail cell I filtered through a plethora of paper, briefly looking at the heading and contents to identify whether or not it was a DOC lawsuit file or anything else. I seized any and all documents, post cards, writing utensils, pencils and stationary and secured it into a clear trash bag. I then tied a knot on the bag and left Amos a receipt of what was taken. The bag containing items seized from Amos was then subsequently secured into a box with evidence tape on it.

The box with evidence tape was secured at the Centralia Police Department. The contents were not examined by myself or any other law enforcement as my intent

is to have a Superior Court Judge do so first "In Camera" to protect any documents that may conflict with attorney/ client priveleges.

This case is open pending further investigation.

Officer Investigation time: 5 hours

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT ALL STATEMENTS MADE HEREIN ARE TRUE AND ACCURATE AND THAT I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT (RCW 9A.72.085).

Electronically Signed: Yes Signature: A.P. Haggerty
Centralia/Lewis/Washington Date: 6-19-14

SUPPLEMENTAL NARRATIVE:

Name: Haggerty A

Date: 14:16:07 07/08/14

CENTRALIA PD SUPPLEMENTAL REPORT

DISTRIBUTION: CASE #:13A7516

OFFICER: Haggerty INCIDENT TYPE:

REVIEWED BY: CASE STATUS:

During the arrest of Lantau in June, she told me that she had a letter at her house that was provided to her by Brent Warness. This letter was described as being 8 pages and written by Forrest Amos. Amos sent the letter to Warness and subsequently given to Lantau. this letter was logged directly into evidence after being copied. It is m,y intention to have this letter sprayed with Ninhydrate and analyzed for latent prints belonging to Amos. I wore latex gloves while handling these letters.

It should be noted that the letters in question were set outside of Lantau's house by her father. On 7-8-14 I collected the letters and read them after making copies. All original copies were secured at the Centralia Police Department.

This case is open pending further investigation.

Officer Investigation time: 2 hours

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON
THAT ALL STATEMENTS MADE HEREIN ARE TRUE AND ACCURATE AND THAT I AM ENTERING MY
AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT (RCW 9A.72.085).

Electronically Signed: Yes Signature: A.P. Haggerty
Centralia/Lewis/Washington Date: 7-8-14

Printed: 11:39:35 07/10/14

File Name:	File Description:	File Type:
13a7516 Email from Com. Rich for release of item#7 to Marc Baine.pdf	Email from Com. Rich	Other
13A7516 Letters to Lantau from Amos.pdf		Forms
13a7516 Release to LCSO.pdf	Release to LCSO	Other

Printed: 11:39:35 07/10/14

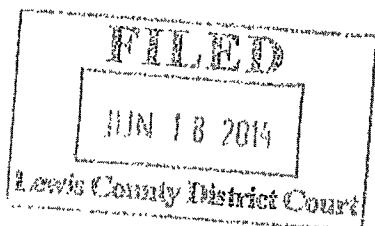
Appendix O

Search Warrant

Case No. 13A7516

IN THE DISTRICT COURT FOR LEWIS COUNTY

STATE OF WASHINGTON



NO. 147 149

CASE# 13A7516

IN RE: 1) Lewis County Jail
28 SW Chehalis Ave
Chehalis WA 98532
Cell block D2-Down 1 (D1)

SEARCH WARRANT

Evidence of a Crime:

RCW 9A.72.110 Intimidating a Witness

RCW 9A.72.120 Tampering with a Witness

TO: ANY PEACE OFFICER IN LEWIS COUNTY, WASHINGTON

Whereas, the affiant whose name appears on the affidavit attached hereto is a peace officer under the laws of Washington State and did heretofore this day subscribe and swear to said affidavit, herein incorporated by reference, before me and whereas I find that the verified facts stated by affiant in said affidavit show that affiant has probable cause for the belief he/she expresses herein and establishes existence of proper grounds for issuance of this Warrant;

Complaint having been made on oath before me by Officer Haggerty #328, a peace officer, that he/she has reason to believe, and does believe, that inside of the Lewis County Jail located at 28 SW Chehalis Avenue in Chehalis Washington, Lewis Count, cell #D2, down 1 (D1) and personal property belonging to Amos the aforementioned

SEARCH WARRANT
EVIDENCE OF A CRIME

crimes are being committed. I believe and there is present, inside of this vehicle, certain evidence of the following crime(s):

RCW 9A.72.110 Intimidating a Witness

RCW 9A.72.120 Tampering with a Witness

I am satisfied, based upon the Search Warrant Affidavit, that there is probable cause to believe that evidence of the above listed crime(S) is present and that grounds for the issuance of the Search Warrant exists.

NOW THEREFORE, you are hereby ordered to serve this Warrant within 10 days and search the above described property for:

1. Any and all stationary, pens, pencils, paper, postcards, photographs and real property used to write letters, post cards, and personal letters to associates on the inside and outside of the Lewis County Jail.
2. Any and all letters drafted by Amos or intended for Amos that he received while incarcerated at the Lewis County Jail.
3. Any and all mail addressed as "legal mail", including but not limited letters sent by Amos or received by Amos. These letters are to be inspected to confirm the authenticity of whether or not Defense Attorney Don Blair was the actual sender/ recipient.
4. Any and all address books, phone books, friend lists, passwords for email, social media, witness names, addresses and phones numbers that may be hand written or listed on police reports or other documents.

And if said property be found, to seize said property and to inventory the property in writing and to keep it safely and to make a return of this Warrant including a written inventory of the property seized to this Court or to some other Magistrate or Court having jurisdiction over this matter.

A copy of this Warrant shall be served on the person or persons found in possession of the property described and those persons shall be given a receipt for the property seized.

SEARCH WARRANT
EVIDENCE OF A CRIME

Revised 6/17/2014

DATED this 17th day of June, 2014.

Honorable Judge Buzzard

HW Buzzard

STATE OF WASHINGTON)

) SS

County of Lewis)

The undersigned does hereby certify that the foregoing is a true and correct copy of the original on file in the office of the Lewis County District Court.

Dated this 18th day of June 20 14.

Pamela Shiner

Clerk, Lewis County District Court

Debra Saliken Deputy

Appendix P

Email from Julie Johnson

Johnson, Julie (DOC)

From: Johnson, Julie (DOC)
Sent: Thursday, August 28, 2014 2:05 PM
To: jonathan.meyer@lewiscountywa.gov
Cc: dblairattorney@aol.com
Subject: AMOS, FORREST #809903

ATTN. William Halstead:

Amos was received at the Washington Corrections Center on 08/22/2014 from Lewis County on CSE#13-1-00818-6. CT. V for the crime of Attempted Possession of Marijuana w/ Intent to Manufacture or Deliver and CT. VI for the crime of Attempted Forgery are gross misdemeanors and per RCW 9A.20.021(2) and RCW 9.92.020 gross misdemeanors must be served in the county jail. This was also upheld in the Court of Appeals of the State of Washington (Besio). Please remove the confinement time of 12 months on both CT(s) V and VI from the felony Judgment and Sentence and correct the total confinement time to 120 months. The DOC will place a detainer returning Amos to the Lewis county jail upon completion of the prison sentence under this cause number.

Thank you for your help with this matter.

*Julie Johnson,
Correctional Records Technician,
Washington Correction Center
P.O. Box 900 MS: WS-01
Shelton, WA 98584
Phone: (360) 427-4631
Fax: (360) 427-4581*

"People may hear your words, but they feel your attitude".

~John C. Maxwell

Appendix Q

Order Amending Judgment and Sentence

SUPERIOR COURT
LEWIS COUNTY, WASH
REC'D & FILED

2014 OCT 31 AM 10:45

KATHY BRACK, CLERK

BY tw
DEPUTY

105

IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR LEWIS COUNTY

STATE OF WASHINGTON

Plaintiff,

v.

FORREST EUGENE AMOS

Defendant.

NO. 13-1-00818-6

ORDER AMENDING JUDGMENT
AND SENTENCE

IT IS HEREBY ORDERED that the Judgment and Sentence entered on August 20, 2014, in the above-entitled cause is still in full effect but amended as follows:

1. Paragraph 4.1 shall read as follows:

4.1 Confinement. The court sentences the defendant to total confinement as follows:

(a) **Confinement.** RCW 9.94A.589. A term of total confinement in the custody of the Department of Corrections (DOC):

<u>60</u> months on Count <u>II</u>	<u>57</u> months on Count <u>III</u>
<u>24</u> months on Count <u>IV</u>	<u>120</u> months on Count <u>VII</u>
<u>120</u> months on Count <u>VII</u>	<u>120</u> months on Count <u>XII</u>
<u>120</u> months on Count <u>XIII</u>	<u>120</u> months on Count <u>XIV</u>
<u>120</u> months on Count <u>XV</u>	<u>120</u> months on Count <u>XVI</u>
<u>364</u> days with 0 suspended on Count <u>V</u>	
<u>364</u> days with 0 suspended on Count <u>VI</u>	

ORDER AMENDING JUDGMENT
AND SENTENCE

1

LEWIS COUNTY
PROSECUTING ATTORNEY
345 W. Main Street, 2nd Floor
Chehalis, WA 98532
360-740-1240 (Voice) 360-740-1497 (Fax)

Jail
Doc
C: Atty
PA

1 90 days on Count X

2 364 days with 0 suspended on Count XI

3
4 ☐ The confinement time on Count(s) _____ contain(s) a mandatory minimum term of _____.

5 ☐ The confinement time on Count _____ includes
6 _____ months as enhancement for ☐ firearm ☐ deadly weapon ☐
7 VUCSA in a protected zone
8 ☐ manufacture of methamphetamine with juvenile present.

9 Actual number of months of total confinement ordered is: 120 months at DOC
10 AND 728 days at Lewis County Jail (120 months + 364 days + 364 days).

11 All counts shall be served concurrently: Except Count 5 will run consecutive
12 to all counts and Count 6 will run consecutive to all counts and
13 consecutive to Count 5.

14 This sentence shall run consecutively with the sentence in the following cause
15 number(s) _____ (see _____ RCW _____ 9.94A.589(3)):

16 Confinement shall commence immediately unless otherwise set forth
17 here: _____

18 (b) X **Credit for Time Served.** The defendant shall receive credit for time
19 served prior to sentencing if that confinement was solely under this cause number.
20 RCW 9.94A.505. The jail shall compute time served. Credit for time served is:
21 262 days. Credit to be applied to Count 5. All credit for time served including
22 any earned early release time in the Lewis County Jail shall be credited to Count
23 5.

24 All other terms and conditions of the Judgment and Sentence remain unchanged
25 and in full force and effect.

26 DATED this 30th day of October, 2014.

Richard L. Brosey
JUDGE

Presented by:

Copy Received; Approved as to Form
Notice of Presentation Waived:

William Halstead
WILLIAM HALSTEAD, WSBA #23838
Senior Deputy Prosecuting Attorney

Don Blair
DON BLAIR, WSBA #24637
Attorney for Defendant

ORDER AMENDING JUDGMENT
AND SENTENCE

SUPERIOR COURT
LEWIS COUNTY, WASH
REC'D & FILED

2014 NOV 25 AM 9:22

KATHY BRACK, CLERK

BY

DEPUTY

tw
(106)

SUPERIOR COURT OF WASHINGTON
FOR LEWIS COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs

FORREST EUGENE AMOS, .

Defendant.

NO. 13-1-818-6

NOTICE OF APPEAL RAP 5.3(a)

COMES NOW FORREST EUGENE AMOS, acting pro se, and seeks review by Division Two of the Court Of Appeals of the AMENDED JUDGEMENT AND SENTENCE for Delivery of a Controlled Substance, Possession with Intent to Deliver, Computer Trespass, and Tampering with a Witness, under the above entitled cause number, entered on October 30, 2014, in Lewis County, Washington. A copy of the AMENDED JUDGEMENT AND SENTENCE is not attached to this notice because the Defendant was never provided with a copy of it.

DATED this 19th day of November, 2014.

Forrest E Amos

FORREST EUGENE AMOS, pro se

FORREST E. AMOS #809903
WASHINGTON STATE PENITENTIARY
1313 NORTH 13th AVENUE (V-B-223)
WALLA WALLA, WA 99362

NOTICE OF APPEAL OF AMENDED JUDGEMENT AND SENTENCE (RAP 5.3(a))

c:clerk

Appendix R

Verbatim Report of Proceedings

Hearing (1/8/2015)

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Defendant.

No. 13-1-00818-6

HEARING

January 8, 2015
Lewis County Law & Justice Center
Chehalis, Washington
before the

REPORTED BY: KELLIE A. SMITH, CCR, RPR, CRR

For the Defendant: DONALD BLAIR
Attorney at Law

1 January 8, 2015

2
3 THE COURT: We're here this morning on 13-1-818-6,
4 State of Washington, plaintiff, versus Forrest Amos,
5 defendant. Mr. Amos is before the Court, and you are pro
6 se at this point; is that correct.

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Is that how you choose to be?

9 THE DEFENDANT: At this point, I guess I'm going to
10 have to.

11 THE COURT: Well, my question is, Mr. Amos, if you
12 want to be represented by an attorney and you cannot afford
13 an attorney, given the fact that part of this I regard as a
14 motion under the criminal rules as opposed to -- it appears
15 to me that the way the Court should be treating at least
16 part of this motion today is a rule under Criminal Rule
17 7.8, and given the fact that I'm considering it under Rule
18 7.8, if you want to be represented by an attorney and you
19 cannot afford an attorney, then the Court would appoint an
20 attorney to represent you before we go any further. But on
21 the other hand, I'm well aware that this is not the first
22 time you've filed motions on your own behalf. To put it
23 quite bluntly, I do not view you as any kind of a neophyte
24 when it comes to filing motions with respect to your own
25 cases in the myriad of criminal proceedings you've had over

1 years in this and other counties and on the Court of
2 Appeals and Supreme Court level.

3 So if you want an attorney but you cannot afford one,
4 I would appoint one for you. Mr. Blair was your counsel at
5 the time this plea was taken. Mr. Blair is not here today
6 and I haven't had anything from him to indicate that he's
7 appearing or is interested in getting involved. And I have
8 to tell you, quite frankly, that if you want an attorney,
9 it may not be quickly that I could find someone who would
10 be willing to take the case because everybody claimed a
11 conflict before, and I'm sure they would make the same
12 claim now. So it's up to you, Mr. Amos.

13 THE DEFENDANT: Well, I guess my question is to you,
14 are you -- I understand you say 7.8, so are we going to
15 actually do the resentencing that should have occurred with
16 me on October 30th when my Judgment and Sentence was amended
17 without my presence, or are we going to consider the 4.2(f)
18 motion to withdraw plea at this time?

19 THE COURT: Well, I didn't read your motion as a flat
20 4.2 request to withdraw plea, and I was a little concerned
21 because some of the stuff that I read that you had filed
22 indicated that you were somehow being put in the position
23 where you felt you were forced to ask to have your plea
24 withdrawn. And I want to make it abundantly clear that
25 this Court's not doing anything to put you in any kind of a

1 position where you somehow believe that you are being
2 coerced into making a request to withdraw your plea.

3 THE DEFENDANT: I understand that.

4 THE COURT: The way I would prefer to handle this
5 this morning is under -- as I understand your pleadings --
6 and you correct me where I go off the track here -- and for
7 the record, I want the record to reflect that Mr. Halstead
8 is here representing the State, and Mr. Halstead has in
9 fact filed a response. But the gist of it, of your
10 complaint, is that at the time your plea was entered, it
11 was your understanding that all the time imposed by the
12 Court, which worked out to a total of 144 months, or 12
13 years, was going to be served in Department of Corrections.
14 The last two years or 24 months of confinement are to gross
15 misdemeanors -- that you were sentenced to represent gross
16 misdemeanor convictions. And generally speaking,
17 Department of Corrections will not allow somebody to serve
18 time, as I understand it, on a gross misdemeanor conviction
19 in Department of Corrections.

20 From reading what Mr. Halstead has submitted, I think
21 the State's position is going to be that this was discussed
22 at the time that the plea was done and the sentencing was
23 done, it's not a surprise, and that the correction was more
24 of an administrative matter to correct where that
25 additional -- that last 24 months is going to be served as

1 opposed to something that would justify, number one,
2 withdrawal of plea, or number two, dismissal or anything
3 else.

4 Now, the way I read your pleadings was that you asked
5 either, number one, that there be an arrest of judgment as
6 to those 24 months, that the Court go back and in essence
7 undo the amended sentence, which was done by your
8 then-counsel, Mr. Blair and Mr. Halstead, and that's the
9 way it was presented to the Court, and you were not brought
10 back from DOC for it. And in the alternative, that you did
11 not receive anything like that and the Court also didn't
12 dismiss, and when you talked about dismissal, I wasn't
13 certain from what I read if you want a dismissal of the
14 entire case or just those two gross misdemeanors.

15 But be that as it may, I read the issue of withdrawal
16 of plea only as something that might occur as a last
17 resort. And for the record, Mr. Blair, who was your
18 counsel at the time the pleas were entered and the
19 sentencing was done has now entered the courtroom. So you
20 tell me where we are.

21 THE DEFENDANT: That's pretty much the gist of it,
22 Your Honor. I believe that, to start off with, the plea
23 agreement, as in the date that it was entered by the
24 statute RCW 9.94A.431, it must set out the understanding to
25 the Court at that time. At that time, the complete

1 recommendation was for a total of 12 years, ten years for
2 the felonies and two years for the gross misdemeanors. It
3 was my understanding, after lengthy plea negotiations that
4 same day back and forth between Blair and the prosecutor,
5 and it was Mr. Blair's understanding, which he said at my
6 sentencing, that provisions in the law allow this to be run
7 in DOC because it was attached to a felony sentence. This
8 -- and where I would receive more good time credits at that
9 point. I did not --

10 THE COURT: Well, plus, let's not be coy about this.
11 Anybody who comes before me who's looking at going to DOC
12 would really prefer to do the time in DOC as opposed to
13 Lewis County's jail.

14 THE DEFENDANT: There's a lot more programs.

15 THE COURT: Well, Lewis County Jail doesn't have any
16 programs.

17 THE DEFENDANT: Yeah. The fact of the matter is,
18 putting a hold on me to require me to come back not only
19 gives me less good time, which is a direct consequence of
20 the plea, but it also prevents me from even partaking in
21 rehabilitation programs within DOC because of this hold to
22 come back. So I can't go through a camp or work release
23 program that allows -- or even a parenting sentencing
24 alternative program at this point, which is all statutorily
25 authorized, that allows me to -- you know, with this hold.

1 THE COURT: Okay, so your first request is that the
2 Court strike the amended sentence, amended Judgment and
3 Sentence and put you back in the same position you were in
4 at the time that the original sentence was pronounced. Is
5 that it?

6 THE DEFENDANT: And allow me to be present and
7 present my argument, because at the time of sentencing,
8 essentially, if it was known at that point, Your Honor, I
9 could have conferred with my attorney and said, Hey, I want
10 to withdraw my plea because these consequences aren't what
11 you told me. You said that the 24 months that were -- when
12 we were arguing over ten or 12 years at that same day, it
13 was back and forth, back and forth, and it was
14 specifically -- Mr. Blair came down and said, "We're
15 heckling over 14 months. You're getting a third off.
16 We're heckling over 14 months on this."

17 THE COURT: Of course, that's something that I was
18 not privy to and it didn't happen in court.

19 THE DEFENDANT: Okay. I understand that, but in
20 court, Your Honor, on this date, that's the recommendation.
21 By law, the prosecutorial standards -- and even at
22 sentencing Mr. Halstead specifically applied his
23 recommendation to be 12 years in DOC. The statute does not
24 authorize that, and as far as I'm concerned, at this point,
25 because I wasn't present at the amended Judgment and

1 Sentence, which corrected a facially defective Judgment and
2 Sentence, it essentially should have resulted in a
3 resentencing, and there's established case law that
4 requires me to come back at any point when my Judgment and
5 Sentence is corrected. It wasn't an administrative error.
6 It was a facially invalid Judgment and Sentence in excess
7 of the statutory authority.

8 THE COURT: Mr. Halstead, would you respond to that?

9 MR. HALSTEAD: Well, I think the transcript's pretty
10 clear. Mr. Amos has said it himself that he was instructed
11 by Mr. Blair that he believed he could serve all of his
12 time in DOC. I provided the copy of the transcript to the
13 Court, Mr. Amos has a copy of that. We had a complete
14 discussion about this when he was sentenced. It was the
15 State's position that we believed, along with Mr. Blair,
16 that the time could be served at DOC, but I specifically
17 stated on the record that DOC did not have to honor that
18 and that he could be sent back, and the Court acknowledged
19 that, and Mr. Amos after that was asked, "Do you have any
20 questions?" And he said, "No." "Do you have anything you
21 want to say?" "No."

22 So at that point in time, I mean, it was on the table
23 and everybody knew it was a possibility. This is akin
24 to --

25 THE COURT: Let me stop you. Seems to me that what

1 you're really arguing is that if we had a full blown
2 argument with Mr. Amos here making argument that the --
3 that's the argument you would make, is that everybody knew,
4 based upon what was said -- what's in the transcript that
5 there was a good possibility here that DOC would reject
6 this and we'd be at loggerheads with DOC.

7 Mr. Amos's contention, as I see it, is that what he's
8 entitled to, for lack of a better way to put it, is a
9 do-over on the issue of whether or not the original
10 sentence is changed because he should have been here and he
11 should have been given an opportunity to argue it. Is that
12 right?

13 THE DEFENDANT: Yeah. That's what due process
14 requires.

15 THE COURT: Okay. That's the threshold question. So
16 my first question is, before we go any further, isn't it
17 appropriate that I strike the amended Judgment and
18 Sentence, we leave Mr. Amos here, we bring him back, we go
19 through the whole process of making a hearing on the record
20 as to why the Judgment and Sentence needs to be changed
21 with Mr. Amos being here and being in a position to provide
22 input, and then assuming that the Court goes along with
23 amending the Judgment and Sentence, then we go to step two
24 as to whether or not he was properly advised by Mr. Blair
25 of all the direct consequences and therefore would be in a

1 position to ask the Court to withdraw his plea. And if so,
2 is the Court going to do that?

3 MR. HALSTEAD: Well, that's fine if the Court wants
4 to go that route. I have no problem doing that. We
5 actually did this in order to facilitate Mr. Amos staying
6 at DOC.

7 THE COURT: I understand that.

8 MR. HALSTEAD: So he could take --

9 THE COURT: He's not happy with it.

10 MR. HALSTEAD: That's fine. And that's fine. But
11 here's the deal. So now from here we can go on to the next
12 hearing, but the caveat here for Mr. Amos is sometimes
13 you've got to be careful what you ask for. Because the ten
14 years imposed to DOC, that was knowingly made. The two
15 gross misdemeanors, if he wants to withdraw his plea on
16 that, that will violate his plea agreement and open him
17 back up to all of the charges that were dismissed.

18 THE COURT: Including the third strike.

19 MR. HALSTEAD: Including the third strike. So it's
20 one of those things where you need to be careful with what
21 you're asking for.

22 THE COURT: What I would propose to do at this point
23 is I would propose to set this for a hearing, give Mr. Amos
24 an opportunity to confer with his counsel as to where
25 exactly he stands. Mr. Blair was his counsel at the time

1 that the plea was entered. As far as I'm concerned, Mr.
2 Blair remains his counsel at least as to this issue. Now,
3 if he and Mr. Amos confer and either one or both of them
4 come in here and tell me, we're at loggerheads because, in
5 essence, he's blaming me, on Mr. Blair's part, and I'm not
6 accepting that responsibility because he knew darn good and
7 well what was going on here, then I will consider that Mr.
8 Blair will need to be replaced. But up until now, as far
9 as I'm concerned, he's still Mr. Amos's counsel.

10 MR. BLAIR: Just for the Court's information, I've
11 already actually met with Forrest, and he and I actually, I
12 think, have been getting along very well through the entire
13 time of this case. I'm going to basically take away the
14 amendment that we entered without Mr. Amos here. I don't
15 have a problem with that either. And then I'll talk with
16 Forrest and we'll figure out what we want to do.

17 THE COURT: I think that's the best way to do this.
18 I think we should do it one step at a time because
19 allowing -- for example, for Mr. Amos to come in and say,
20 "I want to withdraw my plea" and open himself up to
21 prosecution for all of those plethora of charges that the
22 State had, as Mr. Halstead pointed out, may very well be
23 injurious to his position. And after talking it over with
24 Mr. Blair and weighing all of the consequences, it may very
25 well be that Mr. Amos says, in essence, "As far as I'm

1 concerned, I'd just as soon leave it as it is with respect
2 to the amendment." But he's right on the issue he should
3 have been brought back and he should have been given an
4 opportunity to at least be here and participate to that
5 extent before the amendment was done.

6 So I'm going to vacate the amended Judgment and
7 Sentence that was entered by the Court on the 31st day of
8 October, 2014. And that reinstates the original Judgment
9 and Sentence that was pronounced by the Court back on
10 August 20. And Mr. Amos apparently has filed something
11 with the Court of Appeals because there's in this court
12 file a transmittal later dated November 25, transmittal
13 letter. I don't know how that got there, who filed that or
14 whatever, or where we are with that. Mr. Amos had
15 submitted a request for appointment of counsel on appeal
16 based on the idea that he's indigent. I'm not inclined to
17 sign an order finding him to be indigent. I'm not certain
18 that there's anything at this point to appeal, doing what
19 I'm doing. Secondly, I'm not sure of the status. I know I
20 inquired at the time we did the plea as to whether or not
21 Mr. Amos's purported waiver of his right to appeal was
22 valid. The State assured me that as far as the State's
23 concerned it is valid, it is binding. So it's kind of in
24 limbo on that one. I suppose the only solution there is if
25 in fact there is an appeal, to fight that battle at the

1 Court of Appeals. God knows what they'll do with it.

2 But what I propose at this point is Mr. Blair remains
3 Mr. Amos's counsel. If it's necessary, he'll be
4 reappointed for the purpose of this, which I consider to be
5 a motion under 7.8. Actually it's a motion now by the
6 State to amend the Judgment and Sentence based upon
7 correspondence from DOC. Is that about right?

8 MR. BLAIR: I think so.

9 THE COURT: We'll set this for a hearing. You talk
10 with Mr. Amos, you tell me how much time you'll need to
11 prepare, how much time we'll need for the hearing, and
12 we'll set it accordingly.

13 MR. BLAIR: And just for the record, I don't think
14 he's asking to withdraw his guilty plea at this point.

15 THE DEFENDANT: At this point I'm not necessarily
16 asking to do it. I'm necessarily giving the Court the
17 proper remedy. When you enter into a plea, yeah, like
18 Mr. Halstead said, the ten years still may be valid. It's
19 the two years. And he's claiming that that breaches the
20 plea if I challenge that, but it's a sentence in excess of
21 the statutory authority and the only proper remedy is to --

22 THE COURT: I think I covered the issue of whether or
23 not we were at the juncture of him requesting to withdraw
24 his plea previously.

25 THE DEFENDANT: It may still come, though, Your

1 Honor.

2 THE COURT: I understand that. I don't think we need
3 to jump to that point if it's not necessary.

4 THE DEFENDANT: I understand. That was my whole
5 thing is that I wasn't present.

6 THE COURT: Do I need an order of any kind to make
7 sure Mr. Amos stays here until I have this?

8 MR. BLAIR: I'm assuming the order of transport says
9 keep him here until he's finished.

10 (Conclusion of proceedings).

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CERTIFICATE OF REPORTER

STATE OF WASHINGTON)
COUNTY OF LEWIS)

I, KELLIE A. SMITH, RPR, CRR, Official Reporter of
the Superior Court of the State of Washington, in and
for the County of Lewis, do hereby certify:

That I was authorized to and did stenographically
report the foregoing proceedings held in the
above-entitled matter, as designated by Counsel to be
included in the transcript, and that the transcript is a
true and complete record of my stenographic notes.

Dated this day, March 16, 2016.

KELLIE A. SMITH, RPR, CRR
Official Court Reporter
Certificate No. 1950

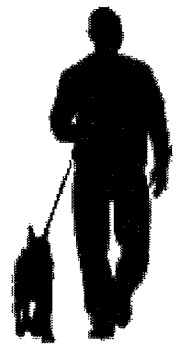
Appendix S

DOC Prison Life – Substance Abuse Treatment Information



Prison Life - Substance Abuse Treatment

The Department of Corrections, under the Health Services Division, provides Chemical Dependency (CD) treatment within available resources to those offenders who are diagnosed as chemically dependent and meet admission criteria. At select sites, specialized, integrated treatment is also available for offenders who are addicted and have been diagnosed as seriously mentally ill (co-occurring disorder or COD).



The Department's Chemical Dependency Treatment Continuum of Care includes:

- Screening and Diagnostic Assessment
- Residential and Intensive Outpatient Treatment
- Outpatient Aftercare Treatment
- Community-based Referral Services

Substance Abuse flyers:

- Substance Abuse Treatment Fact Sheet – July 2015
- Prison Drug Offender Sentencing Alternative (DOSA) Fact Sheet Supplement – Calendar year 2014
- Prison Drug Offender Sentencing Alternative (DOSA) Fact Sheet Supplement – Calendar year 2013

How do you determine that an offender is chemically dependent?

Each offender entering the Department is given a CD screening consisting of a validated self-report questionnaire. Offenders screened as having a probability of an addiction and who are within two years of release from total confinement or under community supervision may be referred for an assessment.

Assessment includes a structured interview, diagnosis and treatment recommendations. Admission includes drug testing and the development of an initial individualized treatment plan.

What kind of help is provided?

Chemical Dependency Treatment consists of various levels differing in duration of stay and level of intensity. Treatment is available at various locations based on staffing and funding.

Offenders accepted into treatment are placed in one or more of the following treatment levels or supplemental programs:

- Long-term treatment also known as Therapeutic Community – The highest level of treatment that lasts from 6-12 months in a structured, residential setting
- Intensive Outpatient Program – Provides 6-12 weeks of intensive treatment; available in total confinement as well as in the community and work release settings
- Outpatient – Provides a minimum of 3 months of transitional care at designated community-based sites
- Recovery House – Provides structured aftercare services in designated work release sites for those who have completed long-term treatment in total confinement

If the Offender is in Total Confinement

The CD professional (i.e., contract staff assigned as CD Counselor/Case Manager) will accept referrals in the following order:

1. Drug Offender Sentencing Alternative (DOSA) offenders
2. Non-DOSA offenders participating in hepatitis C treatment or Indeterminate Sentencing Review Board (ISRB) requirement for

treatment

3. HV or HNV within 12 months of their Earned Release Date (ERD) and have community supervision requirements
4. Other chemically dependent offenders within 12 months of ERD and have community supervision requirements

If they are in Work Release or the Community

The CD professional will make referrals in the following order:

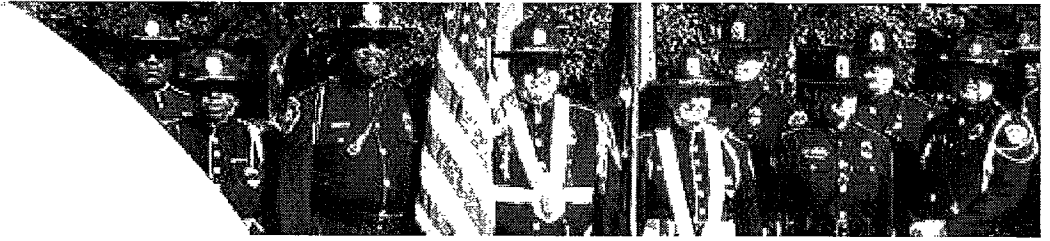
1. DOSA offenders or other sentencing alternatives
2. Offenders releasing from a confinement-based therapeutic community. These offenders will be assigned to a Work Release offering therapeutic community if otherwise eligible.
3. Offenders released from total confinement who have completed treatment
4. Violators who have completed intensive inpatient treatment in the community
5. Other eligible chemically dependent, supervised offenders, as resources allow

All treatment provided by the Department is certified by the Division of Behavioral Health and Recovery and includes cognitive and behavioral restructuring, alcohol and drug education, individual and group counseling, relapse prevention, self-help support skills, and skill building.

You may need to provide a Release of Information for Chemical Dependency Treatment. Please fill out the Release of Confidential Information DOC form 14-172.

Appendix T

DOC Prison Life – Parent-Teacher Conferences Information



Prison Life - Parent-Teacher Conferences

Being Involved through Parent Teacher Conferences

Inmates desiring to participate in teleconferences must meet the following criteria:

- The child participating in the conference must be a documented son(s), daughter(s), foster or stepchild.
- There must not be any no-contact orders in place for participating conference attendees. This extends to children, caregivers and other individuals involved in the conference.



School conferences provide a unique opportunity for parents to engage with their children, meet their teachers and offer support to the children's caregiver.

Inmates who have participated in conferences report:

- "My son started doing his homework! He comes to visit and actually wants spelling tests. I can see that parent-teacher conferences and all of the other activities REALLY make a difference in bringing us closer. There are no words to thank you enough. My boy sees that I care."
- "Even though my wife and I have separated, the parent-teacher conferences helped build my involvement level with the family. It's a fabulous program! It's a keeper!"
- "It has allowed my children to see I do care about how they are doing in school and that is important to me. My children have expressed it to me

and so have their teachers. It also gives us positive things to work on together. Children need their fathers involved in a part of their lives regardless of (their) father's situation."

We have also had a positive response from school district staff:

- "Prior to the involvement with dad, (this child's) attendance was poor, to the point of it's affecting her academic progress. Since dad has been in contact with us, and he heard from us that attendance was a problem, her attendance has improved considerably. As a direct result of her better attendance, her academic progress is improved as well. Overall her attitude toward the adults here at school is more positive also. I think she sees us as being on her side more than she used to and that shows up in terms of less defiance and more seeking out adult support when she's having problems."

Checklists and Resources for Success

- Parent Teacher Conferencing Flyer
- Parent Teacher Teleconference Process
- Parent Teacher Conference Request Form
- Parent-Teacher Conference Procedures

Appendix U

DOC Prison Life – Personal Improvement (Change) Programs Information



Prison Life - Personal Improvement (Change) Programs

The Department of Corrections seeks to create a prison environment that requires inmates to make progress toward demonstrating some of the same pro-social attitudes, behaviors and skills that contribute to the success of law-abiding citizens in the community. The goal is to reduce the inmate's risk to the community upon release and provide assistance to encourage a positive transition back into the community.



Personal Improvement (Change) Programs Available

Moral Reconciliation Therapy (MRT)

This is a step-by-step cognitive behavior program designed to assist the inmate in analyzing his or her life, setting and achieving present and future goals, and making decisions at a higher level of moral reasoning. The goal is to reduce the chance of reoffending by increasing pro-social reasoning and behaviors.

Relapse Education Program (REP)

This is a cognitive behavioral program for chemically dependent or anti-social inmates. The goals are to increase sobriety, decrease criminal behavior and increase pro-social behavior by encouraging or requiring participation in Alcoholics Anonymous, Narcotics Anonymous or other self-help programs. It should be noted that this program is not a substitute for the Chemical Dependency Treatment Program.

Stress and Anger Management (SAM)

The goal of SAM is to create an understanding of stress and anger triggers and processes. This program helps inmates adopt tools to channel stress and address anger in healthy, non-violent ways.

Job Hunter

This is a pre-employment preparation program that provides instruction in résumé writing, job applications, interviewing and job retention skills.

Partners In Parenting (PIP)

This program emphasizes building skills, providing support and helping parents understand the needs and abilities of children in different stages of development.

Long Distance Dads (LDD)

A character-based educational, self-help and support program to assist male inmates in developing skills to become more involved and supportive fathers

Nurturing Fathers (NF)

This program is structured to provide fathers with experiences that allow new cognitive (thinking) and affective (feeling) responses, providing the opportunity to change parenting attitudes and behaviors.

Getting It Right (GIR)

This program features rational self-counseling, transtheoretical model of change (stage model of change), social learning theory and interactive journaling to provide structured programming for each individual.

Participants make the transition into the community and toward responsible living.

Appendix V

DOC Prison Life – Education Information



Prison Life - Education

Educational opportunities exist in all Washington state prisons and work release facilities. As men and women go through orientation, assessments are administered to test each person's educational level.



Who provides the services?

Educational services are contracted through the State Board of Community and Technical Colleges (SBCTC). Coursework includes:

- Basic Education (GED) (Grades 9-12)
- Vocational Skills Classes
- English as a Second Language (ESL)

How do inmates enroll in educational programs?

The enrollment process begins as each person goes through orientation. After they are tested, a plan is developed to help them pursue their educational goals. The Classification Counselor plays a key role in making this happen. Counselors help guide this process and ensure programming is followed.

How much do the programs cost?

Most programs are available to inmates at no cost, though vocational programs may have fees associated and correspondence courses are available at cost. These questions can be answered by the inmate's

Classification Counselor.

What programs are available and where?

Ahtanum View Work Release

- Basic Skills

Airway Heights Corrections Center

- Basic Skills
- Vocational Programs
- Electronics Technician
- Homebuilders Carpentry
- Information Technology Certificate
- Interactive Media
- Upholstery

Cedar Creek Corrections Center

- Basic Skills
- Vocational Programs
- Building Maintenance
- Information Technology Certificate
- Modern Drywall
- Roofing and Siding

Clallam Bay Corrections Center

- Basic Skills
- Vocational Programs
- Building Maintenance
- Electronic Systems Technology
- Information Technology Certificate

Coyote Ridge Corrections Center

- Basic Skills
- Vocational Programs
- Building Maintenance
- Information Technology Certificate

Larch Corrections Center

- Basic Skills
- Vocational Programs
- Information Technology Certificate

Mission Creek Corrections Center for Women

- Basic Skills
- Vocational Programs
- Information Technology Certificate

Monroe Correctional Complex

- Basic Skills
- Vocational Programs
- Computer Services Technology
- Construction Trades
- Graphic Arts
- Information Technology Certificate
- Computer Application Specialist
- Interactive Media

Olympic Corrections Center

- Basic Skills
- Vocational Programs
- Building Maintenance

- Information Technology Certificate

Stafford Creek Corrections Center

- Basic Skills
- Vocational Programs
- Building Maintenance
- Information Technology Certificate
- Welding Technology

Washington Corrections Center

- Basic Skills
- Vocational Programs
- Information Technology Certificate

Washington Corrections Center for Women

- Basic Skills
- Vocational Programs
- Cosmetology
- Horticulture
- Human Services
- Information Technology Certificate
- Technical Design
- Trades Related Apprenticeship Coaching (TRAC)

Washington State Penitentiary

- Basic Skills
- Vocational Programs
- Auto Body Technology
- Barbering/Hairstyling
- Basic Bookkeeping

- Building Maintenance
- Carpentry
- Computer Applications Specialist
- Information Technology Certificate
- Welding Technology
- Heating, Ventilation, and Air Co (HVAC)

If you have further questions contact Educational Director Mike Paris at (360) 725-8689 or refer to the fact sheet for additional information.

Appendix X

DOC Prison Life – Work Assignments Information



Prison Life - Work Assignments

The Department of Corrections is committed to maintaining and expanding offender work/training programs that develop marketable job skills, instill and promote a positive work ethic among offender workers, and reduce the tax burden of corrections. In addition to providing valuable work/training and experience for offenders, earnings from a job help the offender pay for personal items (shampoo, deodorant, etc.).



What type of jobs are available to offenders?

Work assignments fall into one of the following categories:

- **Class II Industries (Tax Reduction Industries):** Businesses owned and operated by the state. They produce goods and services for tax-supported and non-profit organizations. Class II manufacturing and service operations generate funds from the sale of goods and services to support their activities.
- **Minimum-security offenders** may also work in communities providing services at a reduced cost. Public and non-profit agencies may hire an offender crew under this type of program to work on-site at their location, provide work supervision, and pay up to minimum wage. These programs are managed and supervised by institution staff.
- **Class III Industries (Institution Support Services):** Managed by facility staff. Offenders who work in institutional support services may be assigned to jobs in food service, grounds keeping, laundry, maintenance, clerks, etc. These jobs are vital to institutional operations. They also

provide the offender with initial training, work experience (introducing them to the work ethic), and new skills.

- Class IV Industries (Community Work Industries): Primarily supervised by Department staff at minimum-security camps. The Class IV program is designed and managed to provide service to the offender's resident community at a reduced cost. Public and non-profit agencies may hire a Class IV offender crew to work on-site at their location. A unit of local government provides work supervision and pays the offender wages (to a maximum of the minimum wage).
- Class V Industries (Community Service Program): This program is mandated by the Sentencing Reform Act of 1981 and allows for alternatives to confinement for non-violent offenders. Among these alternatives, judges may direct offenders to perform work (without compensation) for the benefit of the community. This work may be done through a program administered by Washington state, a unit of local government or by a non-profit agency.

Class II workers contribute a portion of their earnings to their cost of incarceration, the crime victims' compensation fund and to repaying financial obligations and other debts. An additional 10 percent of gross earnings are held in a mandatory savings account available to the offender upon release. Offenders in other types of industry jobs contribute to the cost of incarceration or the crime victims' compensation fund, as well as the repayment of debts and legal financial obligations.

[Learn more about Correctional Industries.](#)

Appendix Y

DOC Prison Life – Work Release Information



Prison Life - Work Release

Work release facilities serve as a bridge between life in prison and life in the community. Residents at work release focus on transition, to include finding and retaining employment, re-connecting with family members, and becoming productive members of the community. They learn and refine social and living skills such as riding the bus, going to the grocery store, and managing their personal finances – all while under supervision. Work release is an opportunity for self-improvement, while assisting inmates in creating a safe and productive lifestyle that can be sustained upon release.



Residents who complete the work release program are more likely to be successful in maintaining employment, finding stable housing and pay legal financial obligations. Additionally, recent research conducted by the Washington State Institute for Public Policy indicates that work release programs have a positive cost-/benefit impacts; in fact, for every dollar spent, \$3.82 is returned to the state.

A resident with six months left to serve may be eligible to spend those last months in a work release facility if specific criteria are met. For example, a resident must have a record of good behavior. Additionally, there must be available bed space at a work release facility.

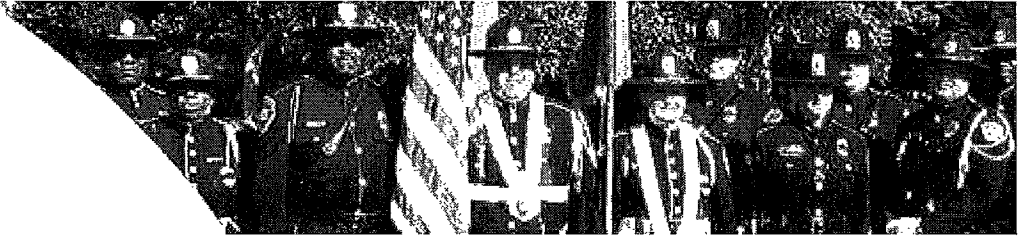
Residents in work release facilities must follow all program rules. They must search for and/or retain employment. They will be tested frequently for substance abuse. Residents may only leave the facility for work or other specific activities such as appointments, treatment, shopping or outings to visit family. Residents must continue therapy, treatment, programming and

classes. All activities are closely monitored for compliance. Failure to abide by the rules may result in sanction and/or termination from the program. If terminated from Work Release, the inmate will serve the rest of the time before the earned release date back in prison.

Work release focuses residents on finding gainful employment, treatment, family reunification and life-skill development.

Appendix W

DOC Prison Life – Recreation Information



Prison Life - Recreation

All facilities in the Washington prison system offer recreational and hobby activities. Activities vary by facility but can include:

- Exercise courses
- Intramural athletics
- In-cell hobby activities
- Hobby shop activities such as woodworking and quilting
- In-cell music activities
- Music room activities
- Open gym
- Outdoor yard

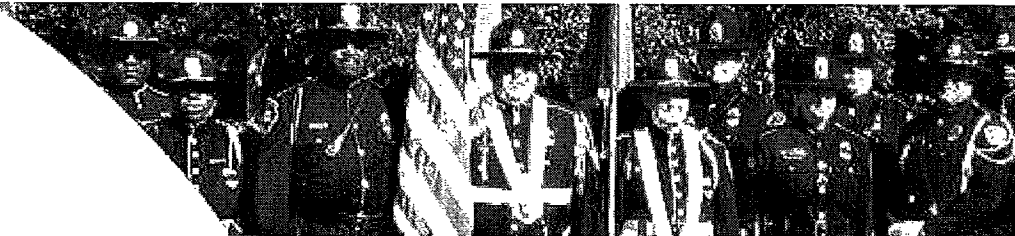


Recreational and Hobby programs are supervised by Recreation & Athletic Specialists. In general, weight lifting, hobby shops and music room programs require participants to pay a \$7 quarterly fee. In order to benefit from these fee-based programs, all participants must be infraction-free for a minimum of 30 days. All other activities do not require a quarterly fee to participate.

Inmates are also encouraged to participate in the celebration of various cultural events or holidays as well as other state and federal holidays as these activities can help boost morale.

Appendix Z

DOC Dog Training and Adoption Programs



Dog Training and Adoption Programs

All Washington prisons operate some kind of animal training or adoption program. These animal-focused programs help connect offenders with living things which is a cornerstone of the Department's Sustainability in Prisons Project. The programs benefit local communities, teach the offenders responsibility and provide an incentive to maintain positive behavior while incarcerated.

Service Animal Training Programs

Four prisons have partnered with organizations that provide service animals to people with disabilities.

The offenders train the dogs in advanced obedience and specialized skills to assist people with daily activities.



- Cedar Creek Corrections Center – Brigadoon Service Dogs
- Monroe Correctional Complex – Summit Assistance Dogs
- Mission Creek Corrections Center for Women – Prison Pet Partnership
- Stafford Creek Corrections Center – Brigadoon Service Dogs
- Washington Corrections Center – Law Enforcement Training
- Washington Corrections Center for Women – Prison Pet Partnership

Dog Adoption Programs

Most prisons have formed partnerships with local non-profit groups to create programs in which offenders train troubled dogs how to be obedient pets that can be adopted.

- Airway Heights Corrections Center – Pawsitive Dogs in partnership with Spokanimal
- Clallam Bay Corrections Center – Welfare Animal Guild
- Coyote Ridge Corrections Center – Ridge Dogs in partnership with Benton Franklin Humane Society, Adams County Pet Rescue and Forgotten Dogs Rescue
- Olympic Corrections Center – Olympic Peninsula Humane Society
- Stafford Creek Corrections Center – Freedom Tails in partnership with Harbor Association of Volunteers for Animals (HAVA)
- Washington State Penitentiary – Blue Mountain Humane Society



Cat Adoption Programs



Three prisons operate programs for cats. The offenders socialize cats from local shelters that are deemed too unsocial or dangerous to be adopted. After socialization the cats are returned to the non-profits for adoption.

- Larch Corrections Center – Larch Cat Adoption Program (LCAP) in partnership with West Columbia Gorge Humane Society and Humane Society for SW Washington
- Mission Creek Corrections Center for Women – Positive Prison Program in partnership with Kitsap Humane Society
- Monroe Correctional Complex – Kitten Connections in partnership with Purrfect Pals No-kill Shelter

Appendix AA

Declaration of Christopher D. Tawes

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5 IN THE SUPERIOR COURT OF STATE OF WASHINGTON
6 FOR LEWIS COUNTY

7 STATE OF WASHINGTON,
8 Plaintiff,

NO. 13-1-00818-6

9 vs.

DECLARATION OF
CHRISTOPHER D. TAWES

10 FORREST EUGENE AMOS,
11 Defendant,

12 THE undersigned on oath states:

13 I am a Lieutenant for the Lewis County Jail, where I have been employed for the
14 last 15 years.

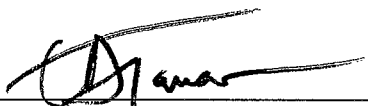
- 15 1. The Lewis County Jail has limited programs available to persons incarcerated at
16 the jail.
- 17 2. The average length of stay of a person at the Lewis County Jail is approximately
18 nine days.
- 19 3. The Lewis County Jail does not have an education program any more.
- 20 4. The Lewis County Jail has a limited work release program that is for low risk
21 offenders only, person's must qualify for the program, and is capped at a small
22 number of available slots.
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1 5. The Lewis County Jail no longer has a comprehensive substance abuse
2 program. Instead the jail has a counselor that will assist persons with setting up
3 services in the community for when they are released from jail.

4 6. The Lewis County Jail does not have recreation activities such as a weight room
5 or a large yard for incarcerated persons to exercise in.
6

7
8 I certify (or declare) under penalty of perjury under the laws of the State of Washington
9 that the foregoing is true and correct.
10

11
12 DATED this 5 day of April, 2016, at Chehalis, Washington.

13 
14 _____
15 Christopher D. Tawes
16 Lieutenant Lewis County Jail
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Appendix BB

Notice of Appeal

SUPERIOR COURT
LEWIS COUNTY, WASH
REC'D & FILED

2014 NOV 25 AM 9:22

KATHY BRACK, CLERK

BY

DEPUTY

NO. 13-1-818-6

NOTICE OF APPEAL RAP 5.3(a)

SUPERIOR COURT OF WASHINGTON
FOR LEWIS COUNTY

STATE OF WASHINGTON,

Plaintiff,

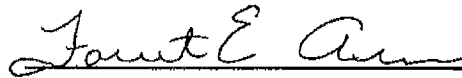
vs

FORREST EUGENE AMOS, .

Defendant.

COMES NOW FORREST EUGENE AMOS, acting pro se, and seeks review by Division Two of the Court Of Appeals of the AMENDED JUDGEMENT AND SENTENCE for Delivery of a Controlled Substance, Possession with Intent to Deliver, Computer Trespass, and Tampering with a Witness, under the above entitled cause number, entered on October 30, 2014, in Lewis County, Washington. A copy of the AMENDED JUDGEMENT AND SENTENCE is not attached to this notice because the Defendant was never provided with a copy of it.

DATED this 19th day of November, 2014.



FORREST EUGENE AMOS, pro se

FORREST E. AMOS #809903
WASHINGTON STATE PENITENTIARY
1313 NORTH 13th AVENUE (V-B-223)
WALLA WALLA, WA 99362

NOTICE OF APPEAL OF AMENDED JUDGEMENT AND SENTENCE (RAP 5.3(a))

c:clerk

Appendix CC

Perfection Letter



Washington State Court of Appeals
Division Two

950 Broadway, Suite 300, Tacoma, Washington 98402-4454

David Ponzoha, Clerk/Administrator (253) 593-2970 (253) 593-2806 (Fax)

General Orders, Calendar Dates, and General Information at <http://www.courts.wa.gov/courts> OFFICE HOURS: 9-12, 1-4.

December 5, 2014

Forrest Eugene Amos
#809903 WA State Penitentiary
1313 No. 13th Ave.
Walla Walla, WA, 99362

Sara I Beigh
Lewis County Prosecutors Office
345 W Main St Fl 2
Chehalis, WA, 98532-4802
Received & Filed
WIS COUNTY, WASH
Superior Court

DEC 08 2014

CASE #: 46940-5-II

State of Washington, Respondent v. Forrest E. Amos, Appellant

Re: Lewis County No. 13-1-00818-6

Case Manager: Kim

By Kathy A. Brack, Clerk
Deputy

tw
108

Dear Mr. Amos:

The above referenced appeal has been opened under the Cause No. **46940-5-II**. To date, we have received neither a filing fee nor an order of indigency in this case. It is also noted that no affidavit of service on the respondent counsel accompanied the Notice of Appeal. See RAP 5.4(b) effective September 1, 1994. This case will therefore be placed on the motion docket for dismissal because it appears to have been abandoned. In accordance with the court's General Order 91-1, effective April 1, 1991, the motion for dismissal will be determined without oral argument. The motion will be stricken from the docket if a filing fee of \$290.00 is paid *or* an order of indigency is filed, *and* an affidavit of service upon the respondent counsel of the Notice of Appeal is filed by **December 15, 2014**.

Very truly yours,

David C. Ponzoha,
Court Clerk

DCP:k

cc: Lewis County Clerk

Appendix DD

Order Vacating Order Amending J&S

Received & Filed
LEWIS COUNTY, WASH
Superior Court

JAN 08 2015

By Kathy A. Brack, Clerk

Deputy

tw
116

IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR LEWIS COUNTY

STATE OF WASHINGTON

Plaintiff,

v.

FORREST AMOS

Defendant.

NO.

13-1-818-5

Order VACATING ORDER
AMENDING J.S.

☐ On motion of the _____;
☒ By stipulation of the parties;

IT IS HEREBY ORDERED:

THE ORDER AMENDING JUDGMENT AND SENTENCE
IS VACATED (ENTERED 10-30-14)

DATED this 8th day of JAN., 20 15

[Signature]
SUPERIOR COURT JUDGE

APPROVED BY:

PRESENTED BY:

[Signature]
Deputy Prosecuting Attorney
WSBA # 23838

[Signature]
Attorney for Defendant
WSBA # _____

Distribution: White-Clerk Canary-Defendant Pink-SO Records Gold-Prosecutor
Blank Order 1

LEWIS COUNTY
PROSECUTING ATTORNEY
345 W. Main Street, 2nd Floor
Chehalis, WA 98532
360-740-1240 (Voice) 360-740-1497 (Fax)

**COURT OF APPEALS FOR THE STATE OF WASHINGTON
DIVISION II**

In re the Personal Restraint Petition
of:

FORREST E. AMOS,

Petitioner,

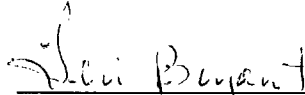
No. 48430-7-II

DECLARATION OF MAILING

Ms. Teri Bryant, paralegal for Sara I. Beigh, Senior Deputy Prosecuting Attorney, declares under penalty of perjury under the laws of the State of Washington that the following is true and correct: On April 8, 2016, Forrest E. Amos was served with a copy of the State's **Response to Personal Restraint Petition** by depositing same in the United States Mail, postage pre-paid, to Petitioner at the name and address indicated below:

Forrest Eugene Amos, DOC #809903
Washington State Penitentiary
1313 N 13th Avenue
Walla Walla, WA 99362

DATED this 8th day of April, 2016, at Chehalis, Washington.



Teri Bryant, Paralegal
Lewis County Prosecuting Attorney Office

LEWIS COUNTY PROSECUTOR

April 08, 2016 - 2:22 PM

Transmittal Letter

Document Uploaded: 7-prp2-484307-Response.pdf

Case Name:

Court of Appeals Case Number: 48430-7

Is this a Personal Restraint Petition? ☐ Yes ☐ No

The document being Filed is:

Designation of Clerk's Papers

Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: _____

Answer/Reply to Motion: _____

Brief: _____

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: _____

Hearing Date(s): _____

Personal Restraint Petition (PRP)

☒ Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: _____

Comments:

No Comments were entered.

Sender Name: Teresa L Bryant - Email: teri.bryant@lewiscountywa.gov